

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

785017

ACC

10000/109/578
(VOL. I)

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10000/109/578
(VOL. I)

LEGAL INFORMATION
OCT. 1944 - NOV. 1945

ESD

(82)

Ref min. 80. Brig Larr discussed
matter with Brig Lusk on 26/10:
further discussions are taking place
between PA Sec & Legal. ERB

27/10

Charles follows up.

83 27/10

Note

Spoke H/Lal while - the file from Legal
went to VP CAS today.

ERB 29/10

86

ESD D/Ex. Com.

3110

Pse see 85 & 84 for CASecs. proposals to AFHQ
regarding amnesty which we have gone into
thoroughly in the preceding minutes.

ERB 8/11

14/11

FILE
CLOSED

75

CSO. Please see 6 & 7 for transmission to C/E.

CSO 20/10

76

Ex. Com.

P. 4-5. Original has already gone to C.C. who may wish to discuss with you.

For 20/10.
77

CSO.

1. I wrote a minute in connection with the permanent file which b.f.
2. What has happened about it.

63x70
2/12/10

122 C/12/10

78.

Ex Com.

with you.

~~File~~ 2/10.
77

ESO.

1. I wrote a minute in an entirety on the permanent

file which b.f.

b8-70
b7-77
b7-77

2. What has happened about f.

W. C. L.

78.

Ex Comm.

Your minute No. 77, temporary jacket has now been combined with 2604, the main file. The minutes you refer to are at 68 and 70, page 72 also refers. As I mentioned to you this afternoon CAS (Lt Col White) telephoned me to say that they were ~~not~~ in agreement with the views expressed by CIA at page 76. They will be writing in to us shortly and in the meantime ask us to delay taking any action until we have had time to consider their views.

80

N Fed. Pleas of views by 20/10

W. C. L. (23/10)

~~File~~ 2/10

3117

1 R 7 2

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

785017

000117-0000

0922

OCT 12 RECD

0922

Chief Commissioner.

Attached is submitted for your ~~approval~~ signature information

MB

EC.

69

concur with last sentence, p. 68.
 Also request CLT to do so

8/10

EWS
cc

V.P. CATS

70

Please arrange for CHA to see minute

68 & draft a scheme - having in mind
 the points made in my minute

(See folio 72) 552 (87x)

C.S.O.

74.

Please see 73 in reply to 56: 55 & 54
 also refer. Shall I then pass the file
 to Panel B & Legal S/C since ~~not~~ ^{not} cor-
 respondence on this has been in minute
 form?

CLT 1960

(See folio 72) 55 (81x)

74.

C.S.O. Please see 73 in reply to 56: 55 & 54
also refer. Shall I then pass the file
to Tolal B & Legat 5/1 since ^{most} ~~all~~ cor-
respondence on this has been in minutes
form?

ELF 10/10

75

Rec. Com.

Ref. P. 54 & 55 - pl. see the
reply at P. 73.

3116

True 11/10.

785017

Ex Com

P. 57-59. in 62, 63, 65 & 66.

? Proceed as at x 1 in 62

5/10

68

Chief Commissioner

On p 58 the P.M. asks for an amnesty
for persons convicted by Allied Courts either
under Proclamation or Italian Law.
You C.A.A. agrees that certain cases as amnesty
would be desirable. Plans agree in principle.
We need to be very careful about this. Sentences
passed by Allied Courts are not to be lightly
re-examined. I should remember that

for persons convicted by Allied Courts either
under Proclamation or Italian Law.
You C.I.A. agrees that ⁱⁿ certain cases an amnesty
would be desirable. Please agree in principle.

We need to be very careful about this. Sentences
passed by Allied Courts are not to be lightly
reversed or reduced. We must always remember that
the death sentence is irrevocable and that if
amnesty passed in other sentences would rightly
make ~~these~~ capital sentences appear unjust.

Moreover we still have AMG in V.G. & I line
& must make out emergency to law order in those
areas. C.I.A. should however, submit put up a scheme

DS (6/8)

-62-

TO : Executive Commissioner,
POLADS (A),
POLADS (E).

I am personally in favour of some form of amnesty being granted for certain offences tried in AMG courts. This I believe necessary for humane moral and political reasons. Such amnesty should be promulgated at the same time as the Italian decree, but I am against the document being a mere copy of the Italian text.

Offences to be included in the amnesty order and also the form the order takes should be discussed by Chief Legal Adviser (who is also Chief Judicial Officer) and the Minister of Justice. If an agreement is reached on both points, POLADS should be consulted before a final decision is taken.

J. S. Humphreys
J. S. HUMPHREYS, M. Colonel,
Deputy Chief Legal Advisor.

LEGAL SUB-COMMISSION
4th October 1945.

63.

Polad (K)
Polad (B)

P. 58 & min 62 - Ray A Reame

your view please

65. - 4/10

C.S.O. Approve of some kind of amnesty as suggested in minute 62. I assume that we will be consulted again

63.

Polak (A)

Polak (B)

P. 58 & min 62. - May 2 leave

your view please.

65. - 4/10

C.S.O. Suppose of some kind of amnesty
as suggested in minute 62. I assume
that we will be consulted again
after agreement has been reached between
Chief Legal Adviser & Minister of Justice
on clause of offenders to be included.

J. Wesley Jones
Pol. Ad. (Am) Oct 5/45

66.

C.S.O.

I agree with my U.S. colleague.

5/7/45

[Signature]
H. H. H. (Am.)

EAC

50.

1/10/11

D.O. acknowledgment to 47 for approval ^{1/10/11} ^{positive, please.}
^{2/10/11}

51

10/11

60

C.S.O.

59, 58, 57 for info and probably to Ex C.
Shades of Donetti!

EPB
3/10

61

Chief Legal Advisor

I should be greatful for
your comments on the proposals contained
at folio 58.

1-11 3113
3/10

CLA

785017

25.

C.S.O. I think you should know about this 24
 10/1/58

26.

Executive Commission

Please see folio 24 for information

27.

28.

78/45-78/818

38.

C.S.O.

At folio 36, a private firm of shipbuilders from Northern Italy wrote a long appeal to the Chief Commission - in which they claim that the managers of the firm ~~company~~ are being unjustly charged with collaboration with the enemy. This sort of letter would have no legal value, in addition the whole matter is the concern of the Italian Govt.

It is suggested that 36 be either ignored entirely, or answered on the lines of folio 37 - ~~deleted~~

10 Aug 45

M. P. S. S. S. S. S.

785017

Ht file 36, a private firm of San
 Northern Italy wrote a long appeal to the Chief Commission
 -er, in which they claim that the managers of the firm
~~company~~ are being unjustly charged with collaboration
 with the enemy. This sort of letter would have no
 legal value, & in addition the whole matter is the
 concern of the Italian Govt.

It is suggested that 36 be either ignored entirely,
 or answered on the lines of file 37 - ~~closed~~

10 Aug 45

M. Pasby Sec Gen
3112

39.

S/Canda Pres.

No: pursue the letter to R.I.
 Lumbered for any action they
 consider necessary. The entire
 a Regime matter. 21 4/8.

CSC

Letter at 6 from Southern Region arrives, I think,
from the improved liaison with 3 Dist.
COS may therefore be interested to see.

W.H.

25 Jan 45

12

Cos

10 is interesting. Dicks (than up

E 25/1

13

CSC Please let me have a discussion (COS meeting)

& CAS comments before Brig Develop. comm-
Feb 2.

W.H. 26/1

785017

10 4
 25/1
 13.
 C80. Please let me have a discussion (COO meeting)
 & CAS comments before Brig Director comes in
 Feb 2.
 175/260

14

V.D. CAS

Pl see 13. Perhaps you will see
 COS in ltr. - then bring 31st
 next Tuesday's meeting.

Excluded
 27/1.

15

CO. Re 10, 11, 12, 13, 14. Action copy of 10 is sent
 to this section. Draft reply has been prepared by
 legal DC and awaits V.P.'s action for signature.
 13 has been init.

CAS.
 27 Jan 48

J.R. Kipp
 21

Translation

The President of the Council of Ministers
3476/12307 - 0/3.2.10

Rome, 26 November 1945

NOV 28 1945

My dear Admiral Stone,

I have been informed from several sides that it would be necessary to enforce without delay, and also in the provinces which haven't yet been returned to the Italian administration, the D.L.L. dated 12th of October 1945, n. 669 - published in the supplement of the Gazzetta Ufficiale n. 130, of October 29th, and concerning the regulations for the lease of town buildings.

In fact, such a decree establishes a rise of the rents, which has been enforced in the territories handed back to the Italian administration, starting from the 1st instant; in the provinces which haven't yet been handed back, such a rise will be enforced on the 1st of the month following that in which the decree will have become in force in the territories themselves. For this reason, though the economic situation is the same in the various regions of Italy, different rents are being paid.

To make it possible for the rise of rents to be enforced in the regions which are still under A.M.G. from December 1st, 1945, the said decree should be enforced in such regions before the end of this month.

I shall be most grateful, my dear Admiral, for your interest in this matter, and ask you to issue the necessary orders.

Believe me,

Sincerely yours,

S. Yarrucolo Parri

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

E.O. DIST- 28 Nov

Action : C.A. Sec (2)

Info: Ex Comm

C.C.

Eoon Sec

o/o

B V 6/12

31

Translation

Italian Red Cross

Provincial Committee of Turin

n. 51611

20 November 1945

To Admiral Stone
Allied Commission

R o m e

NOV 27 1945

Subject : Lt. BELLINETTI Silvio

Enclosures : 1

Will you kindly read the enclosed letter in which Lt. Bellinetti Silvio, tried by the Cuneo Court (15th-23rd of October) and sentenced to death, explains his situation.

We beg you to take this matter in consideration and see whether you can do something for the said officer.

Waiting for your answer, we thank you for whatever you may be able to do.

Sincerely yours,

L'ISPIRATRICE
(Paola de la Forest)
s. p. de la Forest

n/o

E.C. DIST. - 27/10/45

Action : C.A. Sec. (12)

Info : C.C.

E.C.

35 at suitable date

35
35
35

(CPTC) 27/11

Translation

To Admiral Stone - Rome

M e m o r a n d u m

The undersigned, Bellinetti Silvio, at present a prisoner in the Carceri Giudiziarie of Cuneo, and formerly belonging to the Republican Army (he was a Lieutenant of the Black Brigade 'Lidonnici' of Cuneo), brings the following facts to your attention:

On May 5th, 1945, according to the surrender agreements made by the American General Commanding the 75th U.S. Division of the 5th Army, and General Schlemmer, of the German Army, commanding the 5th German Corps, to which the Cuneo Black Brigade was attached, I surrendered with all the men of the column, as prisoners of war of the American Army, at Ivrea (Piedmont).

According to such agreements, all the Italians forming the column (whether military or civilians, of both sexes) were to be treated like the Germans, i.e. receive complete and unconditional protection from partisan reprisals; besides, they excluded the handing over of the members of the column - all of them or in part - to the Italian authorities for reasons of political policy.

Having been told the surrender conditions by the various unit commanders, and deservedly trusting the loyalty and honour of the American Nation, all the members of the Italian column surrendered, like the undersigned, as prisoners of war.

After a few days, we were transferred to the P.W.E. of Coltano (Pisa), camp 338/A where I remained till 10/7/1945.

At that date, the Italian Commander of the Camp, received orders, according to which myself and 15 other officers were to be ready to leave for an unknown destination. The Italian officer who transmitted the order to us couldn't or wouldn't tell us what this destination was. When we left the camp, we were taken in consignment by a squad of partisans of the so called Cuneo Police of the People, which meant that we were to be taken to this town to answer for our activity during the republican period.

We were told by other members of our squad that higher ranking officers, such as Lt. Colonels and Colonels, that had also been asked for, had instead been refused by the Commander of the Camp; we were also informed that the Commander of the Camp had been shown a paper according to which we were charged with very serious offences: violation of the laws of war, and crimes committed against allied soldiers during the war.

Such charges are obviously false, for otherwise, I shouldn't dare to appeal to Your Excellency in the present memorandum; however, the Commander of the Camp obviously believed them and handed us over. Such an opinion is supported not only by further informations, but also by the statements of the squad that escorted us and by the fact that no one else, whether officer, or enlisted man, was handed over on the requests that were made later on.

- 2 -

This has brought about a strange situation: people like the undersigned, with a secondary position, and who simply carried out the orders given to them, have been put in jail, and hard sentences passed on them, while those who issued such orders have been set free, and still enjoy their freedom if they are not careless enough to be arrested.

As my activity during the republican period was a military activity, implicitly acknowledged by the American Nation in the surrender conditions granted by the Commander of the 75th Division in the name of his Government, I take the liberty of submitting my case to you, asking, as an officer of the Italian Republican Army, to be brought before an Italian or Allied Military Court; I also ask that the reasons why I was handed over by the commander of the Goltano Camp be given proper attention, and also that investigations be made to find out the responsibility of those who granted our consignment to the partisan police and refused to hand over other officers asked for at the same time or at a later date.

Trusting in your sense of justice, as chief representatives of the United Nations in Italy, I bring my case to your attention, and ask you to give it proper consideration. This will be an act of justice, and also dissipate the mistrust that some of us are feeling towards the American Nation, after this violation of the surrender conditions by some irresponsible elements.

Thanking you in advance, I remain,

Sincerely yours,

a. Silvio Bellinetti

trans. e/a

3107

AFHQ G-5 SECTION

8712

24 NOVEMBER 1945

85 PRIORITY
NOV 26 1945

UNCLASSIFIED ID

PARA ONE ID REFERENCE LETTER ABLE CHARLIE SLANT FOUR ZERO SEVEN NINE SLANT ONE
SLANT LOVE OF SIX NOVEMBER AND SIGNAL EIGHT TWO NINE FIVE OF ONE THREE NOVEMBER ID
PAREN TO AFHQ GEORGE FIVE SECTION FROM HQ ALCOM CITE ACCAS PAREN

PARA TWO ID IF NOT POSSIBLE TO GIVE DECISION ON ACT CLEMENCY IMMEDIATELY IS MATTER
SUFFICIENTLY ADVANCED TO JUSTIFY DISCUSSION OF MACHINERY WITH MINISTRY OF JUSTICE
CMA IT WOULD NOT BE NECESSARY IN SUCH DISCUSSION TO MENTION ACTUAL DECREE OR SCOPE
OF PROPOSED REDUCTIONS OF SENTENCE.

INT. DISTR.

Chief Commissioner
Exec. Commissioner

CIVIL AFFAIRS SECTION

608

S.H. WHITE Lt Col.

J.J. LEONE
CWO, USA
Asst Adjutant

3004
3106

CAS 27/11

2604 40
92
SEGRETERIA DI STATO
DI SUA SANTITA'

November 19, 1945

NOV 21 1945

My dear Admiral STONE,

The Secretariat of State of His Holiness has been requested to recommend to you the bearer, Countess Rita Palazzi Trivelli; and to request that you kindly accord her a benevolent hearing.

I hesitate to encroach upon your valuable time, but take the liberty to do so on this occasion, because of the urgency of the case, and also because the matter has been brought to the attention of His Holiness who in pursuence of His Humanitarian mission has directed that the Secretariat of State assist the Countess in the presentation of her case.

With the renewed assurance of my high esteem and consideration,
I remain

Very sincerely yours,

/S/ Walter S. Carrall

Admiral ELLERY W. STONE, U.S.N.
ROME

EC DIST 24 NOV

ACTION - CA SEC

INFO - CC

- EC

3105

(CAPT 13) 228
27/11

326

TranslationMemorandumCharge from Reggio

On a Sunday morning, I cannot remember whether it was the 17th or 18th of September, Major Ruini arrived by car at Correggio at about 10 a.m., and ordered me to proceed at once with my company to Reggio; he told me that two men of the local garrison of Black Brigades had been killed there during the night. Ruini left at once without giving me any information. About an hour later, I reached Reggio. I proceeded at once to the Fascio where the 'federals' Ferri, the deputy federals Bertani, and Captain Pilati, then head of the U.F.I., and the man who was then political secretary and commander of the Black Brigade garrison (whose name I don't remember for he was a refugee from some town; he may have been called De Vita), had already gathered. I didn't see the people who had been arrested. A short time afterwards, soldiers units from Reggio, and from the neighbouring garrisons arrived. Ruini came also. I was ordered to place my company and the village so as to control all the roads leading to it. Reggio was empty. There wasn't a soul about. Even the shutters were closed. I placed my men as I had been ordered to. Then I was summoned to the village. There I found the officers who were present and a shooting squad formed of four men armed with automatic rifles.

Major Ruini ordered me to give the command to fire. I obeyed against my will. I didn't know any of the four people who were shot. I knew by sight only Advocate Palosci. But then, I couldn't have done anything, for, as I repeat, they were already standing before the firing squad, and the general staff Ferri - Bertani - Ruini - Pilati had already made up their mind.

I didn't help setting the houses on fire, and can say nothing definite about such a matter.

Charges from Pagnano

One morning, I don't remember the date, a non commissioned officer of the federation brought me an order saying that I was to send 10 soldiers to Reggio. During the afternoon, I went to the federation at Reggio and heard that a mopping up operation was being carried on because of the murder of a fascist at Masone and Villa Pagnano. As my family and many relatives on my wife's side had taken refuge there, I went there by car to protect the villa where they lived against possible reprisals.

Major Ruini ordered me to give the command to fire. I obeyed against my will. I didn't know any of the four people who were shot. I knew by sight only Advocate Palacci. But then, I couldn't have done anything, for, as I repeat, they were already standing before the firing squad, and the General Staff Ferri - Bertani - Ruini - Pilati had already made up their mind.

I didn't help setting the houses on fire, and can say nothing definite about such a matter.

Charges from Regno

One morning, I don't remember the date, a non commissioned officer of the federation brought me an order saying that I was to send 10 soldiers to Reggio. During the afternoon, I went to the federation at Reggio and heard that a mopping up operation was being carried on because of the murder of a fascist at Masone and Villa Regno. As my family and many relatives on my wife's side had taken refuge there, I went there by car to protect the villa where they lived against possible reprisals.

Near the church, I found to trucks loaded with people who had been rounded up. I had a few people that I knew set free at once under my own responsibility, then I told Lieutenant Olivieri who was in command to carry out his orders. He told me he was to take them personally to the federation, and this on a personal order from the federale. I went back to Reggio where I intend to speak in favour of the population. I went back Regno to the federale Menger but he was away. He was supposed to be coming back on the next morning.

In fact, at 8 a.m. on the next day, I went back to the federation and exercised strong pressure on Menger to have him set the prisoners free after a short examination. I obtained the immediate release of the parish priest whom I saw home in my car.

On the evening before, one Corradini, butcher, was killed I don't know by whom; a few months before, for some futile matters of rations, he had had a discussion with my wife. I didn't even know about it.

For this reason, I was charged with his murder.

- 2 -

Charges from Campagnola

I didn't participate personally in the Campagnola happenings, for on that morning, without knowing anything about this matter, I proceeded to Reggio at 9 a.m., for I had an appointment with the Bishop to negotiate the exchange of the ex-federale wonder, prisoner of the partisans. In the seat of the federation, I was told that Chief of Staff Pennino was inspecting various detachments, and would also visit my Correggio garrison. Therefore I immediately went back there after my visit to the Bishop. Immediately after my arrival, a motorcycle messenger brought me the order to proceed to Campagnola, where early in the morning, political secretary Bocchetti Afro had been kidnapped by the partisans. I was giving the necessary orders when Pennino arrived and asked me where I was going. I showed him my orders; he then told me to send my men and stop with him at Correggio where he wanted to visit the barracks and obtain a few explanations about the functioning of the garrison, etc.. I did so. Pennino remained for lunch, then left and proceeded, I think, to Campagnola. I delayed my departure, for on Pennino's order, I had to draft a list of the works to be done in the barracks. Then I went by car to Campagnola where I arrived as the first cars were already leaving. Thus I went back with them.

Charges from Chidani

I don't know anything about that. The charges are unfounded.

MARIO PALAZZI TRIVELLI did service with the 'Brigate nere' for two months only, in the village of Correggio, where he was political commissioner; no charges against him were brought from there.

from Reggio

Various people who had been condemned to death on the charge of murder or for commanding firing squads, had their sentence commuted by the Supreme Court, (Cassazione). Among them: Lodino - Costa - Fieni and others.

The purpose of the way in which the trial took place, we want to stress the fact that it was in an atmosphere of great unrest. Such barristers as attempted to speak were attacked by the crowd and ill-treated. The carabinieri were ordered to leave the room evacuated, but such an order couldn't be carried out for they weren't in sufficient number. The president was unwell and the meeting was postponed to the following week.

I don't know anything about that. The charges are unfounded.

MARIO PALAZZI TRIVELLI did service with the 'brigade here' for two months only, in the village of Correggio, where he was political commissioner; no charges against him were brought from there.

from Reggio
Various people/who had been condemned to death on the charge of murder or for commanding firing squads, had their sentences commuted by the Supreme Court, (Cassazione). Among them: Lodino - Costa - Pieni and others.

the fact that it was in an atmosphere of great unrest. Such barristers as attempted to speak were attacked by the crowd and ill-treated. The carabinieri were ordered to have the room evacuated, but such an order couldn't be carried out for they weren't in sufficient number. The president was unwell and the meeting was postponed to the following week.

When the Court met again, twenty four death sentences and three sentences to thirty years were pronounced in not more than three or four hours.

For what concerns the appeal to the Supreme Court, we point out that, while Adv. Giuseppe Manenti states, as from the letter enclosed with the request for the commutation of the death sentence, that he sent a regular appeal to the Supreme Court, the Assisi of Milan have no trace whatever of any document about such an appeal.

trans. e/c

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

NOV 20 1945

Ref: AG/4083/1/L

20 November 1945

SUBJECT: Decision on Review

TO : Regional Commissioner
Piemonte Region

1. Reference your PR/010 of 2 November 1945.
2. Please find attached the considered opinion of the Chief Legal Adviser to Allied Commission. The Chief Commissioner has endorsed this with the comment "I am more concerned with maintenance of justice than prestige. I must agree with the C.L.A."

For the Chief Commissioner;

F. H. McCLEARY

Brigadier
Executive Commissioner

Encl: 1

Copy to: C.L.A.

3101

(CAPT BRAYBROCKE) *AB*
2/1

Chief Commissioner (Thru CA Section)

(1) In his letter of 2 November, the Regional Commissioner seeks to take the Legal Sub-Commission to task for a decision on review, presumably on the theory that the case was lightly considered, and the decision rendered without the knowledge of the Chief Commissioner.

(2) The facts refute such premise. This case was carefully considered by a three judge review board. All of the officers have an imposing record of field service as Legal Officers. Before the decision was announced it was submitted to the Chief Commissioner for consideration. As has been pointed out, the reviewing authority was deeply concerned lest the decision leave the courts in a discredited position.

(3) The vice of the case lies in the fact that it was ever tried in the first place. Many, many times, in my experiences in the field I have been confronted with temptations identical with the one disclosed in the instant case. A decision not to the such cases was exceedingly unpopular at times with military personnel; but I do not recall one single instance where the matter did not pass off as a tempest in a teapot in a few short days.

(4) I am exceedingly jealous of the prestige of Allied Military Government Courts; but, as Blackstone has said, "A Court is a place where justice is JUDICIALLY administered". While Allied Military Government Courts may not be formalistic Courts, nevertheless they are Courts within the definition of Blackstone, and their judgments are as effective and binding as courts anywhere. A group of headstones throughout Italy gives mute testimony on that behalf.

/s/ John K. Weber,
JOHN K. WEBER,
Colonel, Inf.,
Chief Legal Advisor.

Legal S/C
7 Nov 45

See 89

84

2604, 8

TO: AFHQ G-5 SECTION

NOV 13 1945

8295

13 NOV 45

PRIORITY

85

UNCLASSIFIED PD

PARA ONE PD TRUST IT WILL BE CONVENIENT TO GIVE EARLY DECISION ON
PROPOSED ACT CLEMENCY ONA ABLE CHARLIE SLANT FOUR ZERO SEVEN NINE SLANT
ONE SLANT LOVE ~~XXXXXXXXXX~~ OF SIX NOVEMBER FOUR FIVE REFERS PD
PAREN TO AFHQ GEORGE FIVE SECTION FROM HQ ALCON CITE ACCAS PAREN
PARA TWO PD ARRANGEMENTS WITH MINISTRY OF JUSTICE WILL TAKE A FEW
DAYS

See folio 93

Internal Distribution: Chief Commissioner
Executive Commissioner.

Civil Affairs Section

608

G.J. LEONE,
CWO USA
Asst. Adjutant.

3099

CAPT PRA/CROCKE

elb 1574

3023

REF : AM/4079/1/L

SUBJECT : Clemency for Prisoners

TO : AFHQ, G-5 Section

6 November 1945

NOV 8 1945

See 117

- 1 The Italian Government has asked this Commission to consider favourably the granting of a General Act of clemency to mark the return of North Italy to Italian administration and as a token of Allied appreciation and good will.
- 2 This Commission has very carefully considered the suggestion, which it had already independently had in mind, and recommends that the Supreme Allied Commander should as an act of Grace grant an Act of Clemency among others for the following reasons:
 - a) That in most cases sentences carried a deterrent factor - that factor has served its usefulness, the serving of the deterrent portion of the sentence is of no benefit to the Allies and that it is not unreasonable to reduce sentences to what they might have expected to have been but for the no longer necessary deterrent factor.
 - b) That the Allies imposed various restrictions such as curfew, restrictions on movement and the like and that these and other offenses when there were extenuating circumstances and the sentence was light might receive rather more generous treatment.
 - c) That the Act will be a mark of the Allies' good will and appreciation.
 - d) That the gesture would be one acceptable to the Italian people and to public opinion.
 - e) That it would demonstrate to the world the reasonable and humanitarian attitude of the Allies.
 - f) That the overcrowding of Italian Prisons is extreme and that a substantial remission in the lighter sentences will go some small way to ease the situation which is acute.
- 3 This Commission having considered alternative schemes recommends that the Act of Clemency in respect of sentences imposed by AMI Courts should take the following form:
 - a) That life sentences be commuted to 30 years.
 - b) That sentences in excess of 20 years be reduced to 15 years.
 - c) That sentences from 4 to 20 years be granted a remission of 1/3.
 - d) That sentences of 4 years or under be granted a remission of 1/2.
 - e) That all sentences as so reduced be entitled to the usual remission for good conduct for the whole of their period.
 - f) That no remission be granted in respect of fines or sentences in default of payment of fines.

It is also recommended that the Italian Government be informed that it

(CPT ORANGE)

84

may make similar reductions in the case of prisoners sentenced before Italian Courts for offenses against the Allies.

4. This scheme discriminates between cases of differing gravity, it provides an easily applicable formula, it will entail little work to carry out (which in view of the AC manpower position is an important factor) and is of immediate political value.
5. The proposed Act of Clemency should apply to Italian Government territory and to that shortly to be returned to the jurisdiction of the Italian Government. The deterrent effect of sentences is still required in territory which will remain under AMG; similar acts of clemency can if desired be made concurrently with other restorations of territory.
6. It is desirable, if this recommendation is approved, that an announcement should be made simultaneously with the restoration of North Italy to Italian Administration. It is requested therefore that this matter may be treated as urgent and that the decision be communicated to this HQ as long before the handover date as possible to allow of the necessary arrangements being made with the Ministry of Justice.

/s/ Henry W. Stone

HENRY W. STONE
Rear Admiral, USNR
Chief Commissioner

264490
(81)
HEADQUARTERS ALLIED COMMISSION
APO 384
CIVIL AFFAIRS SECTION

Ref : AG/4055/2/L

20 Oct 45

SUBJECT : Confirmation by Italian Government of
Acts of Allied Military Government.

TO : AFHQ, G-3 Section

OCT 23 1945

With further reference to your letter G-5: 387.4 of 2 Oct and to your telegram 348998 of 17 Oct.

- 1 The opinion of this Commission as to the legal aspect of this question was contained in this HQ letter AG/4055/2/L of the 8 Oct.
- 2 So far as the question of the general desirability of the proposed procedure is concerned it is considered unnecessary and undesirable to request the Italian Government to give a second undertaking worded slightly differently to the undertaking which they have consistently given in successive handover documents and which they will as usual give on the forthcoming handover.
- 3 Further when parallel undertakings are given in different wordings, there is always the danger of the two documents bearing slightly different interpretation and as to determining which shall prevail.

FOR THE CHIEF COMMISSIONER :

M. Van Bogaert
M. VAN B., Brig.
VP CA Section

3056

Copy to : Executive Commissioner

205 29/10

PA 29/10

Translation

The President of the Council of Ministers
n. 47792/2.4.2

Rome, 19 October 1945

Dear Admiral,

I think I must draw your attention on the advisability, in the present situation of the country, of an act of clemency on the part of the Allied Authorities in favour of those who were condemned by Allied Courts either according to our laws, or according to the ordinances and proclamations of the A.M.G. I can assure you that an amnesty for the above mentioned offences is eagerly expected by Italian public opinion, now that unavoidable war requirements which often caused severe sentences on the part of the Allied Courts, sentences which were rarely commuted, no longer exist because of the victory on Nazi-fascism.

Besides, such a possibility would avoid the great difference of treatment at present existing between those who were tried by Italian Courts and those who were condemned by Allied Courts. For the latter only, no amnesty has been granted, while the former benefitted from the amnesty of April 5th 1944, and will in all probability benefit from a further favour which is at present being studied.

I think that the said amnesty could conveniently be granted on the occasion of the handing over by A.M.G. to the Italian Government of the remaining part of the national territory, and could take the form of a regulation by the Italian Government, previously approved by the Allied Commission.

On this subject, I must inform you that in a meeting which lately took place between the members of the Legal sub-commission and the Minister of Justice, the Director of the Legal sub-Commission, Colonel F.E. Bohrens, mentioned, as his personal opinion, that the Allied Commission could take the above mentioned amnesty in consideration. It is useless to add that the Allied Authorities would of course fix the limits of such a concession and except such offences as they consider to have been most prejudicial to their interests.

Will you kindly let me know your opinion on this plan; should you agree to it on general principles, it can then be studied in detail by the Ministry of Justice and the Legal sub-Commission, in collaboration.

Believe me, my dear Admiral,

Yours very truly,

S. Ferruccio Parri.

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

trans.e/o

(CAPT CRAYCROCK)

See No. 7898

EC DIST 34325

ACTION: CASRC (2)

INFO: CHIEFCOMAR

: EX COMAR

Exec. Comm.
For Comm. *ENS CC*

OCT 19 RECD
CC 1700

1/10

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4079/L.

/rlp.
18 October 1945.

SUBJECT : Amnesty.

TO : The Chief Commissioner.

1. In response to your oral directions, I have considered the matter of granting clemency in some form to persons convicted by Allied Courts. Based on the following observations, I have come to the conclusions set forth below.

2. Under International law we, as an occupying power, come into the territory under a solemn mandate to maintain law and order. In so doing, the offences which we encounter fall into two main categories: (a) those which are dangerous to our own security, and (b) those which, although not dangerous to our security, disturb peace and order, and are violations of the domestic law.

3. In considering the question of amnesty, the cases falling into the second category (not dangerous to our security) give us little concern. They are tried under Italian law by Italian courts. It is true that some of these cases were tried by AMG courts as a matter of expediency, but they present no difficulties because the sentences were given under and according to Italian law. The machinery for dealing with them has been adopted in toto and of necessity the mitigating features have followed as an integral part.

4. It is with cases of the first category that we are concerned in deciding whether or not clemency is to be granted. Here again these cases are of two types:

First, purely occupational offences - such as wire cutting, possession of Allied property, travelling without a properly authorized pass, etc. There is nothing inherently wrong in the act which constitutes the offence, but we have declared it to be an offence in order to protect our own security. It is made an offence only because of the condition of war existing. This is borne out by the fact that the punishment imposed is not directed against the accused, but rather as a deterrent against the condition existing.

Second, are those offences which are malum-in-se, i.e., murder, robbery, etc. The act constituting the offence is inherently wrong and is a violation of the domestic law - irrespective of existing war conditions.

3094

5. As pointed out above, purely occupational offenses are conditioned upon the state of war existing. Since that condition no longer exists and, since the deterrent purpose of the punishment has ceased to be, it appears that clemency in some form should now be given. In this respect, however, great care must be exercised for the following reasons:

(a) this is the first occupation of its kind and we are setting a precedent in International Law;

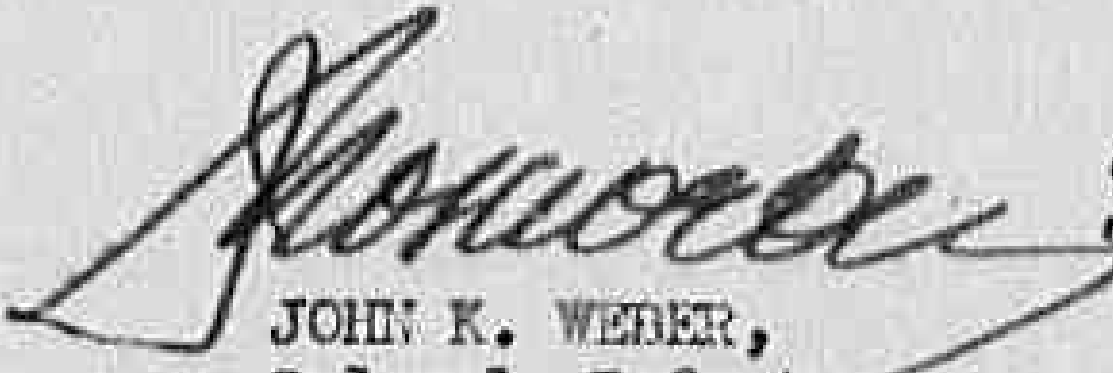
(b) any policy established by us will have no small effect in Japan, Germany, Austria, and Venezia Giulia, where occupational government is just beginning;

(c) in order to prevent it from becoming an instrument of political propaganda we, who imposed the sentences, should grant any clemency that might be given rather than allow Italian legislation on the matter as suggested by the Prime Minister.

With respect to the malum in se cases no amnesty can be granted. To do so would in effect, place a premium on trials in AMG Courts and would affect the peace and dignity of the Italian State.

6. Therefore, no general amnesty should at present be granted. It is suggested that a review board of AMG be formed to examine all outstanding cases with unexpired sentences. This military board would separate the purely occupational offenses from those offenses which are malum-in-se. The board would then dispose of the occupational offenses and, with the advice and assistance of an Italian Cassation Judge, would categorize the malum-in-se cases and adjust the sentences to make them correspond to that which the Italian Courts would have given under Italian law. Thereafter, the normal Italian mode of grace and pardon can be applied to them.

7. Apparently no one has considered this need to review the cases from the standpoint of review personnel between now and 1st December, or thereafter. If considered, no allocation of personnel has been provided. There are a vast number of cases outstanding, and the record of all cases must be examined to determine which have expired and which have not. The task would require a board of three officers a minimum of two months. The Consolidated Instructions for Allied Military Courts require that a reviewing officer be a Lieutenant Colonel or above. It is recommended that Major Nugent who has been with me in the field and here six months as Chief Counsel be elevated to that rank at once (we have no Lieutenant Colonel available) and, with two other officers, appointed as a board of review. In all cases where the Review Board is in agreement he could make final disposition, otherwise they would be referred to the Chief Legal Advisor for final decision.

 3033
JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

2604 ^{AP}

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4079/L

18 October 1945 ^{/LN}

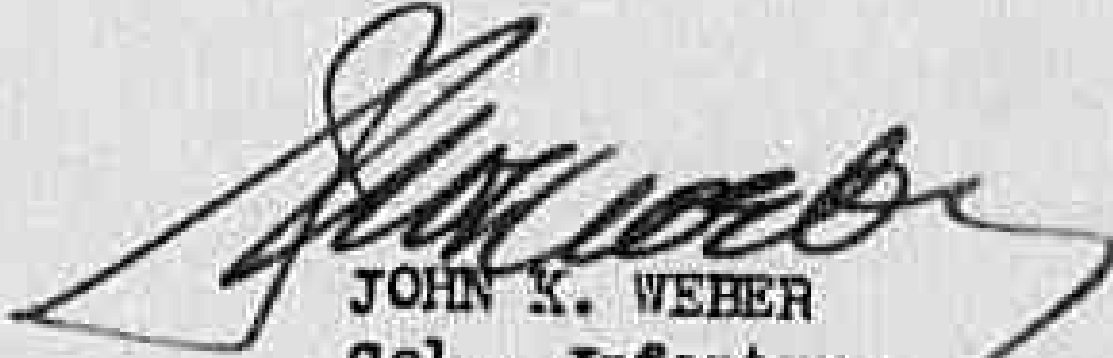
SUBJECT : Amnesty

OCT 19 1945

TO : The Executive Commissioner.

1. Reference your 2604/72/EC dated 9 October 1945.
2. In response to an oral directive from the Chief Commissioner, I have prepared the draft of a proposed scheme of clemency for persons convicted by Allied Courts. Herewith is attached a copy of the letter containing such draft.

Incls.


JOHN K. WEHER
Col., Infantry,
Chief Legal Advisor,
for Chief Civil Affairs Officer

In (CAPT BRAYBLENKO) ^{ans} 22/10

In 7483032

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4079/L.

/rlp.
18 October 1945.

SUBJECT : Amnesty.

TO : The Chief Commissioner.

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Second, are those offences which are malum in se, i.e., murder, robbery, etc. The act constituting the offence is inherently wrong and is a violation of the domestic law - irrespective of existing war conditions.

3691

5. As pointed out above, purely occupational offenses are conditioned upon the state of war existing. Since that condition no longer exists and, since the deterrent purpose of the punishment has ceased to be, it appears that clemency in some form should now be given. In this respect, however, great care must be exercised for the following reasons:

(a) this is the first occupation of its kind and we are setting a precedent in International Law;

(b) any policy established by us will have no small effect in Japan, Germany, Austria, and Venezia Giulia, where occupational government is just beginning;

(c) in order to prevent it from becoming an instrument of political propaganda we, who imposed the sentences, should grant any clemency that might be given rather than allow Italian legislation on the matter as suggested by the Prime Minister.

With respect to the *malum in se* cases no amnesty can be granted. To do so would in effect, place a premium on trials in AMG Courts and would affect the peace and dignity of the Italian State.

6. Therefore, no general amnesty should at present be granted. It is suggested that a review board of AMG be formed to examine all outstanding cases with unexpired sentences. This military board would separate the purely occupational offenses from those offenses which are *malum in se*. The board would then dispose of the occupational offenses and, with the advice and assistance of an Italian Cassation Judge, would categorize the *malum in se* cases and adjust the sentences to make them correspond to that which the Italian Courts would have given under Italian law. Thereafter, the normal Italian mode of grace and pardon can be applied to them.

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JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 2604/EC

13 October 45

SUBJECT: Circular to Crown Prosecutors
TO : Civil Affairs Section

1. Ref. Chief Commissioner's Memorandum to Executive Commissioner on above subject dated 11 October 45, copy to you and to Legal Subcommittee.
2. Will you please ensure that paragraph 2 is followed up and report the situation in AMG territory to this office.

✓ E R Graybrook
Chief Staff Officer
To Executive Commissioner

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hooked 14/10

✓ 14/10
Wren 14/10

2604 90

HE **QUARTERS ALLIED COMMISSION**
Office of the Chief Commissioner
APO 394

12

11 October 1945.

OCT 12 1945

MEMORANDUM TO: Executive Commissioner

Subject: Minister of Justice TOGLIATTI's circular to Crown Prosecutors.

1. There has been considerable comment in the Rome press for the past week on the circular sent by Minister of Justice Togliatti to Crown prosecutors to suspend the issue of warrants of arrest for *metayers* denounced for misappropriation of property. To their credit, the Rome District section of the National Association of Magistrates at its meeting on 7 October protested this action as being contrary to the functions of a Minister of Justice.

2. I think it is important that we investigate to see whether the Togliatti circular in question was sent to Crown prosecutors in AMG territory. If so, we should determine whether they are following these instructions, and if so, whether we should take action to instruct them to disregard it, in view of AMG responsibilities for good government.

Elmer W. Stone

ELMER W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: VP CA Section
Legal S/C

See 3
3088

(Carr Braverly)

838 v 2604

C O P Y

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4011/L

LCB/lc

4 October 1945

SUBJECT: Allied Interest in Trials at Ancona

TO : AFHQ, G-5 Section

1. Reference your G-5: 250.5-3 dated 21 September 1945.
2. In view of the shortage of legal officers, it is not intended to replace the departing AMG legal liaison officer at Ancona.
3. Complaints and enquiries relating to cases in Italian courts affecting Allied Forces may be directed to the Ministry of Justice through the Allied Commission.

For the Chief Commissioner:

G. G. HANNAFORD
Lt Col
Deputy Chief Legal Advisor

(ORIGINAL COPY OF THIS
LETTER RECEIVED FROM
LEGAL SC ON FILE
838/EZ)

3087

64220

2604

Ex Comm

73

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

6 October 1945

OCT - 9 1945

Ref: Lig/HQ/16

SUBJECT: Monthly Report for August, 1945.

TO : Executive Commissioner, Headquarters, A.C.

1. Reference your 2604/EC dated 29 September 1945.

2. The men referred to in my Monthly Report were arrested for a particularly callous and brutal murder of 3 Carabinieri.

3. When I attended the last Regional Commissioners' conference, I discussed the matter with Colonel Behrens, who advised to the effect that if A.M.G. continued long enough in this Region, the accused should certainly be tried in an A.M.G. Court under Italian law.

4. I mentioned the matter to the Chief Commissioner in the interview which I had with him.

5. I am of the opinion that every effort should be made to back up the Carabinieri whom A.M.G. brought up into Northern Italy, and I am convinced that the surest way to get justice done to those for whom we are virtually responsible was to try the accused in an A.M.G. Court.

6. They have been tried and duly sentenced, and it is hoped that when the case comes up for review after the appeal has been lodged, that no clemency will be shown by the confirming officer.

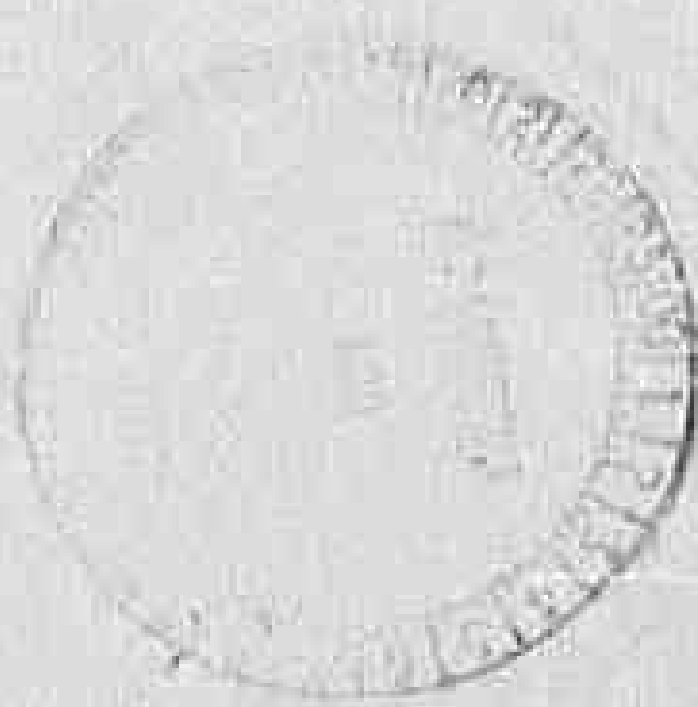
J. G. Kelly

A.M.G. Court under review
4. I mentioned the matter to the Chief Commissioner in the interview which I had with him.

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J. G. Selby
J. G. SELBY
Colonel
Regional Commissioner



3056

Sto
(Case Backlog)

Ref: 2604/72/RO.

9 October 45.

SUBJECT: Amnesty.

TO : Civil Affairs Section.
(For Chief Legal Adviser).

1. Reference your AC/4079/L dated 2 October 45.
2. Would you be good enough to submit for consideration the draft of a scheme you consider suitable, bearing in mind the points raised in the copy of the Executive Commissioner's minute of 6 October 45, given below.

"On p.58 the P.M. asks for an amnesty for persons convicted by Allied Courts either under Proclamation or Italian Law. Your C.L.A. agrees that in certain cases an amnesty would be desirable. Polads agree in principle.

We need to be very careful about this. Sentences passed by Allied Courts are not to be lightly reversed or reduced. We must always remember that the death sentence is irrevocable, and that an amnesty passed on other sentences would rightly make capital sentences appear unjust.

Moreover, we still have AMG in Venezia Giulia and Udine and must relate our clemency to law and order in those areas.

C.L.A., should, however, I submit, put up a scheme."

/s/ F. H. McCLEARY
Chief Staff Officer,
To the Executive Commissioner.

B/V 15/10. See file 79
3085

Ref.: AO/4076/2/L.

6 October 1945.

OCT - 8 1945

Dear Madam,

I have received your letter of 18 September in which you request the intervention of Allied Authorities in the case of your husband Count Corrado Falletti di Villafalletto.

I must point out at once that the status of Prisoner of War does not render Italian military personnel immune from charges which the Italian Authorities may at any time prefer against them.

The Italian Government have requested that civil and military personnel in Allied custody should be handed over to Italian Authorities whenever they are charged with common offences under their national law. The Allied Authorities have agreed to this request.

It is understood that such charges have been made against your husband and therefore Allied Authorities had no option in the matter and had to agree to the request of the judicial authorities for his transfer to the prison of Cuneo.

I regret that under these circumstances I am not in a position to help your husband.

I am, dear Madam,

Yours very truly

/s/ Ellery W. Stone

ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Countess Ippolita Falletti di Villafalletto,
piazza Maria Teresa 6
TORINO.

3084

(PA)

5221 + 2604 (4) (b4)

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

3 October 45

OCT -4 1945

Executive Commissioner.

I was speaking to Col. Hancock this morning and he asked me to pass the following on to you.

5221/EC { 1. Starting on 30 September in Varese and spreading to the provinces there are a number of very mild strikes of heavy workers protesting against the new ration scales. He says the trouble is not serious and has called in the CGIL member to point out to him that the ration scales were fully agreed in Rome by the Italian Government and due notice had been given that they were to be brought into force. The CGIL man agreed.

2. A gaming house has been opened at Mangio, near Lake Como. It is run by the Prefettura, to which the profits accrue. Col. Hancock is strongly of the opinion that gaming houses should not be allowed in AMG territory and would like a decree from HQ on this basis.

ET

3083

(PA)

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

26049
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(59)

AG/4079/L.

GGH/lc.
2 October 1945.

SV612-100

SUBJECT : Amnesty.

TO : The Chief Commissioner.

(58)

Herewith translation of draft of letter which the Prime Minister proposes to address to you in the near future.

G. G. Hannaford

G. G. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to : Exec. Commissioner

(CAR BRITISH)

See 6062
+ F. 72

THE PRESIDENT OF COUNCIL
OF MINISTERS

Rome,

To Hon. Admiral Stone,

I should like to inform you how opportune would be in the present state of the Country an act of clemency by the Allied authorities in favour of those who have been condemned by Allied tribunals either under our laws or under the orders and proclamations of A.M.G..

I assure you that an amnesty for the above-mentioned offences is keenly awaited by public opinion in Italy now that the indispensable but temporary necessities of war have ended with victory over the Nazi-Fascists. Such necessities often obliged Allied tribunals to impose severe sentences which have been only rarely mitigated by a grant of pardon.

Such provision for an amnesty would moreover avoid the serious difference now existing between the conditions of those condemned by Italian tribunals and those condemned by Allied courts. No amnesty has been granted for the latter, while the former have enjoyed the amnesty of 5th April 1944, and with the probability that they will enjoy a further benefit that is now under consideration.

I think, my dear Admiral, that the amnesty in question would be suitably granted on the occasion of the restoration by A.M.G. to the Italian Government of the remaining national territory.

the indispensable but temporary necessities of war have ended with victory over the Nazi-Fascists. Such necessities often obliged Allied tribunals to impose severe sentences which have been only rarely mitigated by a grant of pardon.

Such provision for an amnesty would moreover avoid the serious difference now existing between the conditions of those condemned by Italian tribunals and those condemned by Allied courts. No amnesty has been granted for the latter, while the former have enjoyed the amnesty of 5th April 1944, and with the probability that they will enjoy a further benefit that is now under consideration.

I think, my dear Admiral, that the amnesty in question would be suitably granted on the occasion of the restoration by A.M.G. to the Italian Government of the remaining national territory and could take the form of a legislative provision of the Italian Government with the previous consent of the Allied Commission.

Referring to the same question I inform you moreover, that at a recent meeting between the members of the Legal sub-Commission and the Minister of Justice the Chief Legal Adviser Col. W.E. Behrens, not officially but in his private capacity, has indicated that the Allied Commission would be able to examine the above question. It is unnecessary to add that it will be for the Allied authorities to fix the limits of such a concession, and exclude those offences which are considered more harmful to their own interests

- 2 -

(57)

Would you therefore, my dear Admiral, kindly tell me your opinion regarding this proposal which with your general approval could be considered in detail by the Minister of Justice and the Legal sub-Commission in collaboration.

I have the honour to be etc. etc.

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

3080

2604/52
Ref: 888/52

29 September 45.

SUBJECT: Monthly Report for August 45.

TO : Regional Commissioner,
Liguria Region.

1. Reference is made to the second paragraph of the Public Safety Section of your monthly report for August, in which it is stated that five men are under arrest and will be tried by a General AMG Court early in September.

2. I shall be glad to know why these men were brought before an AMG Court and not dealt with by the Italian Government.

T. H. McCleary
✓
Brigadier,
Executive Commissioner.

Copy to Pol ADM — B

See 73

3079

55

C80

Please find out why A76 could
& not Hal Gab,

25/5

FOID 54 REFERS
SEE ALSO
FOID 56

Chief Legal

Ref. 1 above - can you say?

T-Hine
26/8

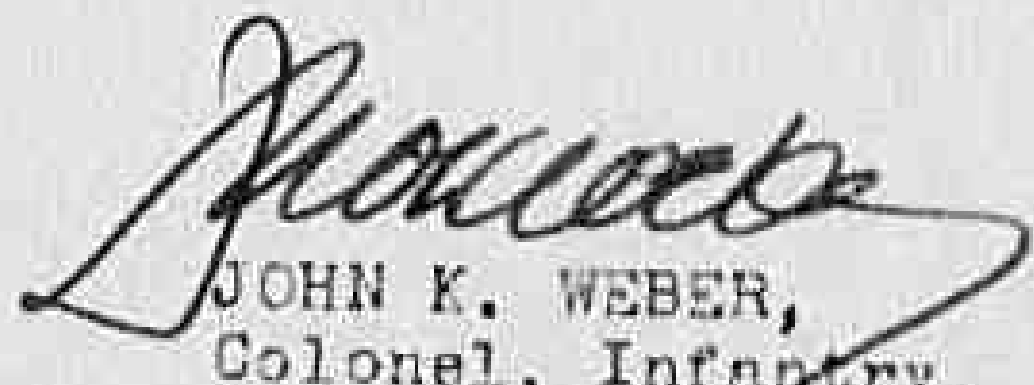
3.

C.S.O., Executive Commissioner.

1. I cannot find from our records that this case was ordered before an AMG Court. It is possible that Colonel Behrens made such order orally while in this territory.

2. It is not required that a decision be made by this office. In Article 14, paragraph 1, "Consolidated Instructions" it is provided that charges under Italian Law will be preferred only with the authority of the Regional Commissioner. The Regional Commissioner may use such power "only in exceptional circumstances" (see paragraph 2 of Article 14). While in this case the Regional Commissioner asks for our advice, yet he is not bound to do so. As pointed out above, we have no record of our advice being sought in the case in question.

3. Where our advice has been sought, we uniformly passed the matter to the Vice President Civil Affairs Section for decision.


JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer

27 Sept. 45

EXTRACT from Hq. AMG Liguria Region Monthly Report for August 1945
dated 11 September 45, ref. LIG/HQ/16, classified "Secret."

I. PUBLIC SAFETY

There has been a marked decrease in the number of murders. Arrests have been made in several cases. An increase has been noted in breaking and entering. On 1 August 1945, 3 Carabinieri were murdered. 5 men are under arrest and will be tried by a General AMG Court early in September. The number of persons arrested in possession of firearms has increased, partly due to more effective police activity.

Executive Commissioner.

Please see marked passage on page 5. Accused are to be tried by an AMG court.

(initialled by Mr. Hopkinson)

3077
SEP 15 1945
F-55-56

Translation

2604

173
53

To Admiral Stone

R O M O

SEP 25 1945

On May 11, 1945, the U.S. Claims Service informed the undersigned, James, Via Aurelia, 80, that his claim for damages, had been rejected by decision R. 9084, and asked him to come to the Claims Office to be told why his claim had been rejected.

He was told that his claim had been rejected because the number of the car hadn't been identified, nor had the name of the driver, and that therefore he hadn't suffered any damage.

This was told to the writer about a year after the incident.

The writer is therefore appealing to you.

When making his claim, he was given a booklet of instructions saying that if the witness couldn't identify the driver, it should at least be able to identify the nationality of the vehicle.

The writer was going on via Aurelia, keeping to the right, when he was violently knocked down from his bicycle by a truck of the United States Army, proceeding towards home, which knocked him from behind, squashing him against one of the electric pillars, and breaking his shoulder blade. He couldn't see the number of the car because of his condition, and also because the car was rapidly proceeding towards home, without bothering about him, though the driver saw him very well, as he knocked him down with the fore part of the car.

The witnesses of the incident only observed that the car was American, as they were when giving evidence. There can be no doubt about that, for by now, the Italians have plenty of experience and know cars and uniforms at once, even when they do not stop to give help.

However, the Claims Office said that the car hadn't been identified as belonging to the United States Army, and that he wasn't entitled to any indemnity for he hadn't suffered any damage. This isn't the first decision of the kind taken by Claims and Rulings, which states that when the nationality of the vehicle hasn't been identified, the victim hasn't suffered any damage, thus implying that the victim is asking for an indemnity for an incident which never took place.

The undersigned trusts in your intervention to obtain an indemnity for the very serious injury caused to him.

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The undersigned trusts in your intervention to obtain an indemnity for the very serious injury caused to him.

S. Giannini Luigi.

See also page 52

3076

E.C. DIST - 24 SEP 45

ACTION: C.A. Sec(3)

INFO: Chief Clerk

Ex. Clerk

2/9

trans. e/c

[Handwritten signature]

[Handwritten signature]

Translation

To Admiral Stone
Chief of the Allied Commission

R U B O

I enclose the appeal I sent to you against the decision of the Claims Service
A. R. 5084, and the letter which the said office sent me.

This letter says that the claim was rejected not because the car hadn't been
identified, but because the negligence of the driver hadn't been proved.

The writer doesn't know about this fact, for the Claims Service does not
issue a copy of its decisions, so that the claimers don't know the reasons why
their claims have been rejected.

If the Claims Service thinks it can enforce its decisions without justice
and guarantees, it is mainly claiming the victor's right to enforce his decisions.

The writer doesn't think that this is the reason why the Claims Service was
established.

In this case, the letter of August 1st, 1945, concerning decision 1010
R. 5084, states that the evidence of the witnesses proves that there was no negli-
gence on the part of the driver of the American car, as if the writer was only
imagining he had been squashed against an electric pillar while the car proceeded
towards him.

A look at the sketch enclosed with the claim would have been enough to prove
that only the negligence of the driver caused the incident.

The Claims Service always finds a way of rejecting the claimer when the vic-
tims weren't able to see the number of the car because too much injured, even
when the witnesses swore it was an alien and the driver proceeded without bothering
about the victims; its arguments are the non-identification of the nationality
of the car or the fact that the responsibility of the driver isn't proved. Thus
they consider they have administered justice.

The Government of the United States hasn't established the Claims Service
to be party and judge at the same time, but to administer justice.

In this case, the lesson of negligence is that there was no negligence on the part of the driver of the American car, as if the driver was only imagining he had been squashed against an electric pillar while the car proceeded towards home.

A look at the sketch enclosed with the claim would have been enough to prove that only the negligence of the driver caused the incident.

The Claims Service always finds a way of rejecting the claim when the victim weren't able to see the number of the car because too much injured, even when the witnesses swore it was as shown and the driver proceeded without bothering about the victim; its arguments are the non-identification of the nationality of the car or the fact that the responsibility of the driver isn't proved. Thus they consider they have administered justice.

The Government of the United States hasn't established the Claims Service to be party and judge at the same time, but to administer justice.

S. Gammal 10/1/81

3075

trans. e/a

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

264 41
CONFIDENTIAL Ex Comm (5)

F43456
SEP 14 2041B

T/7728
SEP 15 1030B
PRIORITY

From: AFHQ SIGNED SACRED CITE HQAB
To: HQ ALLIED COMMISSION

SEP 15 1945

INFO

N/CSC
CONFIDENTIAL.

Reference OI(BR)/7912/A7 of 18 July following for Colonel BEHRETS.

Understand Captain TAYLOR delivered to you FIPAS reply on 12 September 45.
Grateful to know what steps you now advise. AAO OI(BR)/A7 Colonel CHARNOCK will
call afternoon 17 September to discuss.

DIST

ACTION: Legal SC
INFO: Chief Commissioner
Ex Commissioner 2
CA Sec
File

PA 18/9
PA 4
HEADQUARTERS

15 SEP 1945

A. C.

(Mrs KERSLEY)
CONFIDENTIAL

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

Ref: 2604/49/EC

10 September 1945

DEAR LEIGH SMITH

I have received your letter 30/68/45 dated 7 September 1945 and enclosures regarding the arrest and trial of Signor Luigi Domenichini

The papers have been referred to the Legal Sub-commission for action.

Yours Sincerely

(Sd) M.S.L.

Mr. P. Leigh Smith,
British Legation to the Holy See,
14 Via del Parlamento,
Rome.

3073

11/13/4

48

Tel: 735

8 September 1945.

Ref: 2604/48/EO.

SUBJECT: Domenichini, Luigi.

TO : Civil Affairs Section.

47 refers

Enclosed please find further papers on the case of Domenichini, Luigi, which have been forwarded by the British Legation to the Holy See and are passed to you for action.

D. W. KEMSLEY

Chief Staff Officer,
To Executive Commissioner.

Incl:
as above

3072

2604

BRITISH LEGATION
TO THE HOLY SEE.
~~XXXXXXXXXXXXXXXXXXXX~~
ROME 187

14 Via del Parlamento,
Rome.

30/68/45

September 7th, 1945.
SEP - 7 1945

Dear Brigadier Lush,

I refer to your letter 2604/44/EC of August 24th, 1945, on the subject of the arrest and trial of Signor Luigi Domenichini.

His Eminence Cardinal Caccia-Dominioni has now transmitted to me the attached additional papers connected with the case, with the request that they be forwarded to the Allied Authorities, who, I understand, are to review the case.

Yours sincerely,

P. Leigh Smith

Brigadier M.S. Lush, C.B.E., M.C.,
Headquarters,
Allied Commission,
Rome.

See 48449

3071

(Mrs Kensler)

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

file

46

Tel: 735

4 September 1945.

Ref: 2604/EC.

SUBJECT: Aprile Carlo.

TO : Civil Affairs Section (for Legal Sub-Commission)

The attached appeal against the sentence of death passed on Aprile Carlo is passed to you for action.

R. W. KEMSLEY

✓ Chief Staff Officer,
To Executive Commissioner.

Incl:
as above

3070

PA 5/9

98

Translation

2604
5 August 1945

To Admiral Stone
Chief of the Allied Commission - Rome

reg u. 97
45
AUG 25 1945

Sir,

I take the liberty of asking you to read the enclosed memorandum. It contains enough material to judge impartially my work as an Italian and an ex-fascist. Favourable to the intervention, I am a veteran of the 1915-1918 war which I fought at the side of the Allies. At 16, I enlisted as a volunteer in the Italian army against the Germans, but I was arrested by the Livorno Questura. After 1918, chaos reigned in Italy and the nation turned against the veterans, disabled soldiers and volunteers guilty of having fought with the Allies.

A great number of the rioters of that time are now accusing me. It was necessary to safeguard victory and make the most of the veterans; I became fascist to bring back some order to Italy which seemed doomed to ruin.

I have always been in good faith, served gratuitously and obeyed because I am a soldier, but I never killed nor had anyone killed.

It isn't my fault if the fascist leaders made mistakes; they betrayed our good faith and led us to disaster. Today, my personal enemies try to strike me by every means; I am unable to defend myself, considering the position in which I am, and I cannot find anyone who has the courage to speak up for me.

In the name of my family, I appeal to you, asking for your interest in the matter, and for liberty, to be able to collaborate in the reconstruction of the country.

I offer my services to the Allies as technician.

Yours very truly,

s. Mario Santini

The charge against me was brought by my co-citizens to the 'Comita d'Assisi' of Grosseto.

EC Dist - 25 Aug 45

Action: C A SEC 121

INFO: CHIEF COMMR PA
EXEC COMMR PA

trans. e/c

(Mr. KENSLEY) PA

BO
29/8 PA
ASK 4/9

44

Ref: 2604/44/NO.

24 August 1945.

Dear Sir D'Arcy,

42
Your letter 30/58/45 of 23 August 1945 to Brigadier Lush was opened as the Brigadier is on tour in the North.

The appeal by Signora Domenichini will be investigated immediately and the results conveyed to you as soon as possible.

Yours sincerely,

R. W. KEMSLEY

Chief Staff Officer,
To Executive Commissioner.

Sir D'Arcy Osborne, KCMG.,
British Legation to the Holy See,
14 Via del Parlamento,
Rome.

May take another 10 days
R. K. 4/9

Bu 14/9

Spec. Mail. Hammond 17/9

Bu 29/9

B/V 31/8
11/10/45

3008

PA 25/9

43

Tel: 735

24 August 1945.

Ref: 2604/43/EC.

SUBJECT: Death Sentence.

TO : Civil Affairs Section.

1. I enclose copy of a letter 30/58/45 of yesterday's date from the British Legation to the Holy See, addressed to Brig. Lush, and the original appeal therein referred to together with a translation thereof.

2. I shall be pleased if you will investigate the case, take such action as may be appropriate and report to this office in order that a reply may be made to Sir D'Arcy Osborne.

R. W. KEMSLEY

Chief Staff Officer,
To Executive Commissioner.

Incl:
as above

BU
30/8

3007

42
BRITISH LEGATION
TO THE HOLY SEE.

BY VIA S. NICOLA DA TOLENTINO
ROME (S)

14 Via del Parlamento,
Rome.

August 23rd, 1945.

30/58/45

Dear Brigadier Lush,

I have been requested by His Eminence Cardinal
Maselli-Rocca, Archbishop of Bologna, who is at present
in Rome, to forward the attached appeal to your Commission
for such action as may be deemed appropriate.

Yours sincerely,

41
D. G. I. J. J. J.

See 43 + 44

Brigadier Lush, C.B., M.C.,
Headquarters,
Allied Commission,
Rome.

Translation

41

Allied Command - Corporations Building

R o m e

The undersigned, Elena Motti Domenichini, teacher, takes the liberty to forward this memo. to the Command, begging it to listen to the appeal of wife who sees her husband, DOMENICHINI Luigi, teacher, of La Spezia, unjustly condemned to death.

The trial which took place in La Spezia in a bloodthirsty atmosphere didn't give the defendant the sacred right of being defended. In fact, of the 26 witnesses summoned to appear in his defence (the summon was sent to the witnesses in his favour only two days before the trial) the President excluded twenty, and of the six witnesses allowed to give evidence, one only appeared at the trial. As it is obvious, the defendant was left entirely without means of defence; he didn't even have the usual defence (difesa d'ufficio) for the advocates were frightened, and the trusted advocate (difensore di fiducia) Adv. Borzone of Genoa, who intervened at the last moment, presented a weak and very short defence.

Her unfortunate husband is a victim rather than a culprit, for the charges against him were made by irresponsible elements, whose evidence, not being cross examined, contributed to bring about in haste a monstrous sentence: death penalty.

The defendant suffers from T.B. of the kidneys and has already had an operation for the removal of one kidney; for reasons of humanity and conscience, he should be placed in a nursing home.

For the above mentioned reasons, and for the reasons exposed by the defendant in the memorandum to be found with the documents of the law suit, we appeal to the superior justice of the Allied Command.

We ask the law suit to be examined again by another Court, somewhere in central Italy, and if possible in Rome.

We ask for an appeal for his grace to be sent in time to His Royal Highness the Lieutenant.

We ask that for obvious reasons of safety, Domenichini be transferred to another prison, for La Spezia is in the hands of so called partisans, well armed, who do just what they like.

We also point out that a fortnight ago, the undersigned sent a memorandum in defence of the condemned man to this Allied Command.

Trusting that this Command will take this memorandum in kind consideration, the undersigned expresses her gratitude and remains,

3065

Rome, 21/8/1945

Sincerely yours,

presso Caja Via Fasana n. 1 - Viale Angelico

s. Elena Motti Domenichini

(1 SPARE COPY)

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

40

Ref: 262/40/90.

11 August 45

SUBJECT: Cantieri Navali del Levante.

TO : R.O., LOMBARDIA Region.

25

A letter dated 3 August 45 from the above firm is forwarded herewith for any action you may consider desirable.

M.P.

Brigadier,
Executive Commissioner.

3063

PA
138

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

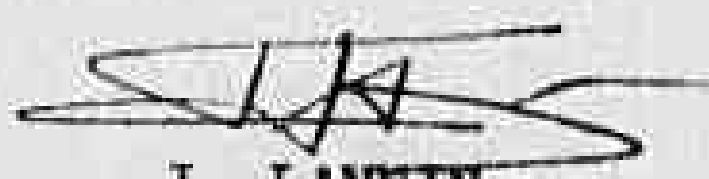
2604 9
HEAD QUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

8 August 1945

TO: Executive Commissioner, Hq., A.C.

AUG 9 1945

The attached letter from Cantieri Navali del Levante (Navy Yards)
is forwarded for whatever action is necessary.


J. LANNIN
Lieut, USNR
Flag Lieut


(S/CDR PROBT)

(3 Spares held)

see M 38739
3002

Translation

Cantieri Navali del Levante (Navy Yards)

Milan August 3rd, 1945

To Admiral Stone
Chief Commissioner
R o m e

We take the liberty of drawing your attention on what follows, for the Navy Yards and seat of this Co are in Norther Italy, and therefore still under your jurisdiction.

A law suit is being brought against this company, obviously by competitors who are attacking the recutation of this Co and its leaders, who can state they always acted as good patriots should, and remained faithful to the Government of free Italy and her Allies.

The charge of collaboration made to the managers of the Company is obvious: the Company must be rendered defenceless for some people to be able to get hold of it.

This is a great offence for the managers of the Company who are entitled to the acknowledgement of what they did in the interest of the country, running great personal risks.

The Company wants to emphasize the following points:

1) Though, like all Navy Yards, it was always controlled, and had armed German garrisons and permanent inspectors in its navy yards, the Company managed during the 20 months of German occupation, not to hand over anything to the Germans, but for a few unimportant repairs as can be verified by the Navy Officers and by the Allies - this though the equipment of the yards would have enabled it to turn out series production. On the contrary it systematically sabotaged everything

All the activity of the Navy yard of Casier was always closely controlled by secret agents of the Italian secret service and by formations of the 'Wladimiro Paoli' partisan Brigade. This Brigade was openly supported by the mangers while elements belonging to the above mentioned formations could be found among the man power.

Partisan formations were in constant contact with the navy yards (from whom they received regular financial and material help); the navy yards of this Co, its managers and manpower were always spared by the partisans; this proved that there is nothing to be condemned in their behaviour. Cf. enclosed documents:

- 1 - Statement of the Comitato Indust. Costruzioni Navali of the C.L.N.A.I.
- 2 - Statement of the Venice Arsenal
- 3 - Signed statement of all the manpower of the navy yard
- 4 - Statement of the Cernobbio Comune
- 5 - Hauptschuss Schiffbau letter.

- 2 -

- 2) Ever since September 1943, it acted in agreement with the Servizio Informative Italiano, and supplied it with informations about the movements of the German ships in the Adriatic as well as on the works that were being done and the location of the German Commands.
- 3) In December 1944, the Managers of the Co., and especially the President, Adv. Ulisse Mazzolini drafted plans to sink two units, the 'EMILIA T' and the 'ERIKKA', both of about 300 tons, who were in the docks of the Casier navy yard. Both ships were sunk thanks to an explosive during the night of December 17th 1944. A close investigation was made by the German SS who arrested two of the managers and two of the workers, but fortunately, there were no more serious consequences. Elements of the 'Wladimiro Paoli' Brigade, Commander Ugo especially, took part in this action.
- 4) In spite of the German garrison, work was constantly sabotaged, and we avoided delivering anything; it is well known that for insignificant repair works we managed to detain small ships for months on end.
- 5) The Co kept or even engaged a hundred young workers who had not answered the call, this to the great personal risk of the managers, for there was death penalty for the employers who broke the law.
- 6) None of the workers depending from this Co. was ever sent to Germany, in spite of the regulations, and those who should have gone there were freed.
- 7) The Navy yards of the Cnal were the only ones which escaped being declared 'under the protection' of the Germans (cf. list of protected concerns of Venice and Milan)
- 8) After September 8th 1943, help was given to escaped British and Yugoslav prisoners.
- 9) Five French prisoners who escaped the Germans in March 1944 received money and assistance in Venice.
- 10) "Help was given to Jewish citizens during the period of war and German occupation."
- 11) Partisan elements were taken in service, helped and supplied with deferment documents.
- 12) Ever since November 1941, Adv. Ulisse Mazzolini contacted in Stockholm the British Ambassador, stating his solidarity with the cause of the Allies and putting himself at the disposal of the Embassy. (As can be confirmed by the British Delegation in Stockholm).
- 13) The partisans of the 'Wladimiro Paoli' Brigade received large sums of money as well as material. Formations of the Valsassina also received help and arms.
- 14) Though almost all the managers were in the army on the 8th of September, none of them answered the call or did any service in the troops of the fascist republic. 3060

- 3 -

15) From the political point of view, the fame of the managers was such that the President, Adv. U. Mazzolini who took an active part in the insurrectional movement of April 1945, was appointed Deputy Sindaco of Cernobbio on April 26th 1945.

In spite of all this, the law suit brought against the Co. in Venice does not take in consideration

- 1) the open sympathy of the manpower for the managers
- 2) the support and solidarity of the Camera del Lavoro of Treviso and of the Command of the partisan formations in Treviso.
- 3) the statements of all the institutions such as the Venice Arsenal, the Industrial Committee for Naval Constructions of the C.L.N.A.I. of Milan, the Registro Navale It. of Venice, the C.L.N. of the plants and of the communes
- 4) local public opinion which proclaims the patriotic activity of the managers of this Co.

As the legal action which is being taken in Venice paralyses all the life of the concern, to the great damage of the manpower, we trust you will intervene.

This Co is at your entire disposal to supply all required documents and informations.

S.....

trans. e/c

3658

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

Folios 32-29. original of
folio 35 sent to R.C. Southard
Region.

O. Middle
ec.

3058

1943

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

785017

2604

Ex Com

28

Ref: AG/4910/2/L.

8 August 1945

AUG 9 1945

My dear Mr. Prime Minister,

22

I have carefully considered the difficulties in the implementation of Italian legislation within AMG territory to which you refer in your letter of 30 July 1945.

As you are aware, all Official Gazettes are supplied by AMG to the Prefects of all provinces in AMG territory and the distribution of the Gazettes is made by the Prefect within the province on the same scale as in Italian Government territory. Owing to the different areas to be reached, delivery cannot be made to all Prefects nor even to all communes within one province on the same day. Delivery is, however, made as soon as possible.

The legislation in any particular Gazette is, unless disapproved by AMG, made effective in each province of AMG territory on the date of the receipt by the Prefect of that province of the subsequent Gazette containing the relevant implementation order. This date is officially recorded by the Prefect, who signs a dated receipt for the Gazette. The Prefect can and should notify his communes and the Italian Government of this date so that there should be no difficulty for either the communes or the Italian Government to know the exact date upon which any decree becomes operative in any particular area.

I feel that at this late stage in AMG administration it might create complications to vary the existing system, which is by now fully understood both by AMG officers and Italian officials. For the time which AMG is likely to continue in North Italy it appears to me to be doubtful whether any advantages would accrue from a modification.

The suggestion which you propose of making laws effective from the date of publication in a subsequent Gazette of notice of the receipt by Prefects of an earlier Gazette does not appear to me to be expedient and would involve an even greater delay in the application of Italian decrees to AMG territory. These decrees can only be applied to AMG territory by an order of AMG, and this order can only be issued in respect of those decrees which are not disapproved by AMG. The procedure for this cannot be shortened. It, therefore, the operation of the laws is to depend upon the subsequent issue of a notice in another Gazette a further period of some ten days must elapse in each case before a decree can become effective.

3057

8

(MAY K)

200

- 2 -

I entirely agree, however, that Prefects should be ordered in accordance with the existing system to give notice to their communes and to the Ministry of the Interior of the date upon which they receive Gazettes, and I am issuing the necessary instructions for this to be done.

I hope that this will meet your requirements.

Yours very truly,

ELLEN W. STONE
Rear Admiral, USNR,
Chief Commissioner.

Professor Ferruccio Parri,
The President of the Council of Ministers,
Italian Government,
R o m e.

3056

Representative Council 2604
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

24
WEB/1c.

AC/4092/2/L.

3 August 1945.

AUG 4 1945

SUBJECT : Special Courts of Assize - Reggio Emilia.

TO : The Minister of Pardon and Justice.

1. As you are aware the Special Court of Assize at Reggio Emilia on 24 July 1945 sentenced to death FERRI Guglielmo and 23 other persons. In addition five persons were sentenced to very long terms of imprisonment.

2. In view of the date of the trial no appeal to the Court of Cassation has yet been heard. It is presumed however that an appeal will be filed and heard in due course and that if this appeal is denied a petition for grace will be presented.

3. The province of Reggio Emilia passes to the administration of the Italian Government on 4th August 1945 so that by the time a final decision has to be taken in this case the responsibility for the decision will be entirely that of the Italian Government.

4. Nevertheless, since the original trial was held under the authority of AMG, I feel that it is necessary to bring certain facts to your notice.

5. I enclose herewith a report submitted to the AMG Legal Officer by the President of the Tribunale of Reggio Emilia. This report indicates certain technical irregularities in the proceedings and adds the following general complaints:

- (a) The atmosphere during the trial was anything but calm; there were demonstrations against the accused and even against their advocates.
- (b) One of the witnesses in the case assaulted one of the defence advocates.

BURK L...

PA 9/8
3055
see M. 25
d M. 26

1946

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

23

- (c) The defence advocates could not make speeches on behalf of the accused but had to submit their observations in writing.
- (d) While the President has not been able to examine the merits of all the sentences, he considers that several of the accused were treated with undue severity and that their offences were not serious.

6. It is not, as you are aware, the policy of AMG to interfere in the normal administration of Italian justice by Italian Courts. Nevertheless it is obvious that in cases of this nature it is essential that AMG should be protected against any suggestion that it has permitted the perpetration under its authority of acts of grave injustice. If therefore the Court of Cassation affirms the decision of the Special Court of Assize in these cases I am instructed to request that you will notify the British and American ambassadors of such action as you take in regard to the sentences imposed.

7. I should be grateful also if this Sub-Commission could be similarly notified.

8. I am sending copies of this letter for the information of the British and American ambassadors.

W. E. Berrins

W. E. BERRINS,
Colonel,
Chief Legal Advisor.

Incl : Report.

Copy to : Political Adviser, American (for American Ambassador),
(without report).
Political Adviser, British (for British Ambassador),
(without report).

Executive Commissioner.
VP-CA Sec.

3054

(Mr. Kinsler) 2512

Translation

The President of the Council of Ministers
N. 30512/1/1.26

2604
30 July 1945

reg. 27
EIC 22
AUG 1 - 1945

My dear Admiral,

as you well know, according to the ordinances of the Allied Military Government concerning the extension of the Italian legislative regulations to the territories which are under it, the said regulations become in force on the day when the prefects of the various provinces receive from A.M.G. a copy of the Gazzetta Ufficiale containing the text of the said ordinances.

Now it happens that this communication is not always brought in time to the knowledge of the offices and citizens concerned with the enforcement of the above mentioned regulations. There occurs therefore the following serious inconvenience: for a more or less long lapse of time, legal regulations which are formally in force can be unknown to the very people who have to observe them. On this subject, we have taken in consideration the hypothesis that the said time limits fixed by the law to exercise some rights or fulfil some obligation happened to fall due without the knowledge of the persons concerned.

I think that two different solutions could eliminate the above mentioned inconvenience. One of them would be to give instructions to the prefects to give immediate and adequate publicity to the enforcement of the said regulations, informing also the Presidency of the Council of Ministers, because of the interest even if only indirect, which this enforcement may have for the central administrations. The other solution would be to have the announcement of the sending of the Gazzetta to the prefects published in one of the next numbers of the said Gazzetta; the regulations would naturally become in force on the date of this announcement. This second solution appears to be preferable, for it has the advantage of having the enforcement of the decrees start from a well defined date of which it would be easy to make certain.

I shall be most grateful if you kindly consider the advisability of having this matter studied by your offices, to have this matter settled in a different way.

Waiting for your answer, I remain,

Yours very truly,

S. Ferruccio Parri

trans. e/o

EC INST - 31 JULY 45

ACTION: CA Sec 3033
INFO: CHIEF COMAR
EXEC COMAR

2604
HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: AC/4001/14/L.

24 Jul 45

SUBJECT : Trial of Allied Nationals
in Italian Courts.

JUL 24 1946

TO : AFHQ, G-5 Section.

1. Instances have recently arisen where civilian Allied Nationals have been detained with a view to trial before Italian Courts.
2. Legally such persons would appear to be subject to such Courts unless they are in the country under Military orders, and so subject to Military law of their own country.
3. In the cases with which we are now concerned (1 Russian, 1 French), applications have been made by the Governments concerned to have the prisoners handed over to them.
4. It is requested that a decision be made urgently as whether, for policy reasons, it is desired to try these cases in Italian Courts or hand them over to their respective Governments.

FOR THE CHIEF COMMISSIONER.

R. N. Bonham
for C.R. UPTON Brig. 6/6/46
VP CA Section

Copy to: Executive Commissioner.

3002
PA
25/7

Translation

To Admiral Stone
Chief of the Allied Commission

R o m e

JUL 14 1945

In the name of numerous Advocates of the circumscription of the Court of Appeal of Catania, which includes four provinces of Eastern Sicily, I feel it is my duty to tell Y. Ex. about the state of moral misery of these magistrates, which is certainly deeply felt by all Italian advocates and magistrates, as well as by all honest Italians, because politics are constantly interfering with the administration of Justice. Even during the fascist period, Justice was entirely free from and above party interference. In Milan, judges are threatened by riots when the sentence does not please the bloodthirsty sadism of the North, probably inherited from the Germans. In numberless villages of the North, common offenders invade the prisons and murder the accused, thus taking them away from their natural judges. A few days ago, the communist paper of Palermo violently attacked the Catania Magistrature and its illustrious head, a man whose probity and learning, for all matters concerning the law, are well known. The Minister of Justice, Communist leader, and who has the Russian citizenship, takes no action to stop unlawful interferences, on the part of the fascists who found shelter in the ranks of the communist party. How are Advocates and Magistrates to carry on their functions with serenity and objectivity amidst such violence? Don't you think that in such a state of moral and material disaster, your strong intervention with the Italian Government would be most necessary; its members are only concerned with personal and party interests, and not at all with those of our great and unfortunate country. The majority of the Italians, composed of honest, hard-working people, who are not the prey of political passions, are anxiously waiting for you to exercise a moderating action and hope for peace, justice and good-understanding among men.

S. G. Menaruzzi (?)

Catania, July 10th, 1945

E.C. DIST - 14 July 45.

2604//EC.

ACTION:- C.A. SECTION

INFO:- CHIEF COMMR.

EXEC COMMR.

e/o

3051

Translation

The President of the Council of Ministers
35232.44.2.G.

Rome, 23 May 1945

Dear Admiral,

I refer to your letter of the 8th, about the sending to various officers of diplomas granting dignities, in which the name of the Sovereign is preceded by 'King of Albania, Emperor of Ethiopia', and in which the proposal by the 'use del fascismo' is mentioned.

As you justly pointed out, this is only the material handing over of the certificate of a regulation issued on March 18th, 1943, under the forms which were then in force.

However, I quite agree with you that this act, which is simply due to thoughtlessness, is most inopportune, and I am sincerely sorry that it should have taken place.

I have given order for the said diplomas to be taken from the persons to whom they were sent, and for such documents to be no longer issued.

I remain,

Your sincerely,

s, + Bonomi

Admiral Willy A. Stone
Chief Commissioner of the
Allied Commission

E. C. DIST-24 MAY 1945

ACTION: CA SECT (2)

INFO: CHIEF EMNR

Ex EMNR

2604

Ex Com

(B)

Ref: 9/15.4/CA.

8 May 1945.

MAY 10 REC'D

My dear Mr. Prime Minister:

I think I should bring to your notice the fact that on 16th February 1945 the Minister of War forwarded to various officers 12 diplomas conferring on them the honour of the Order of the Crown of Italy. I attach specimen of one of the diplomas. You will notice that the diplomas bear the title "Re d'Italia e di Albania Imperatore d'Etiopia".

You will also notice that the diploma states "Sulla proposta del Duce del Fascismo".

Although the diplomas are dated prior to the overthrow of the Fascist regime and although the delivery might therefore be construed as a mere act of routine, nevertheless the perpetuation of honours proposed by the head of the Fascist State would seem to be inconsistent with the provisions of the Armistice Terms, contrary to the policy of the Allies, and presumably contrary to the policy of the Italian Government.

Yours very truly,

Is/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

M. E. Ivanoe Bonomi,
President of the Council of Ministers,
Italian Government,
R O M E.

12/5

30.9

(MRS MORDEN)

PA

2604
H. QUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/14011/1.

30 January 1945. /pa.

SUBJECT : Italian Legal Procedure.

TO : Regional Commissioner, SOUTHERN Region.

FEB 3 1945

1. The problems raised in your R/1298 of 22 Jan 45 have been considered.

2. While the difficulties created in Bari by the operation of D.L. No. 194 are fully appreciated there can be no doubt that from the prison point of view, this decree serves a most useful purpose. It was in fact passed at the express request and with the full approval of this Sub-Commission.

3. The decree has in general been accepted as satisfactory and the complaints of its operation appear to come almost exclusively from Bari. In these circumstances it is not unreasonable to think that the difficulties are created more by the local personnel who are charged with the administration of the decree than by the actual contents of the decree itself. The Minister of Justice is taking steps to remedy this personnel situation. A new Primo Presidente and Procuratore Generale of the Court of Appeal are in course of proceeding to Bari and from his personal knowledge of the magistrates concerned, the Minister of Justice has given an assurance to this Commission that complaints of this nature will be remedied. The Minister is also taking steps to remove one or two of the junior magistrates whose decisions have given rise to criticism.

4. In addition the Minister has issued the circular of which a copy is attached. This circular goes further than to set out the view of the Italian Government on the scope and meaning of D.L. No. 194. It points out that judicial authorities have failed in the past to use their power to issue warrants of arrest in the case of offences to the prejudice of Allied interests and directs that such power should be used in the future. The combined effect of this circular and the new personnel in the Bari region should be sufficient to remove the causes for complaint.

5. Your suggestion that D.L. No. 194 should be rendered inoperative in Allied interest cases is in the opinion of this Commission difficult of fulfilment. It does not appear feasible to ask the Italian Government to issue a decree which would have the effect of making a public and official differentiation, to the prejudice of the Italian people, between offences committed against the Italian Government and those committed against a co-belligerent power. It is believed that the Italian Government would rightly refuse to consider any such suggestion. The circular issued by

PA 26
36-48

16

the Ministry of Justice does make, a distinction in favour of Allied interest cases and directs the courts to use their discretion so as to observe this distinction. It is difficult to see how the Italian Government can reasonably be asked to go further.

6. It is to be observed that complaints against this decree are based predominantly upon cases where the accused is charged with prostitution. It is the opinion of this Commission that the remedy for these cases lies in unit discipline rather than in action through the courts.

By command of Rear Admiral STONE :

G. R. Upjohn

G. R. UPJOHN, Brig.
VP GA Sec
Dep CGB AC

Incl.

3047

2604 8632 HQ. HQ. HQ.
HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
OFFICE OF THE REGIONAL COMMISSIONER
APO 394

R/ 1298

22 January 1945

JAN 25 1945

SUBJECT: Italian Legal Procedure.

TO: Headquarters, Allied Commission
(CHIEF OF STAFF) (2 copies)

1. We are receiving a certain amount of complaint and criticism from Allied formations, both American and British, on the working of the Italian system of suspended sentences and the granting of provisional liberty both before and after trial. I know that the Regional Legal Officer has already taken up this matter with the Legal-Sub-Commission.

2. I am writing this for the Chief of Staff's attention because I believe the matter is one of importance in connection with any proposed reduction in the Allied Commission representation in South Italy.

3. I understand that the difficulty arises through the interpretation by the courts of the general operation of a Royal Decree No. 194 of 10 August 1944. I believe this decree was first produced largely at the instance of the Public Safety Sub-Commission, in order to reduce the very heavy strain on prison accommodation. The practical effect of this decree is to increase considerably the number of persons who can continue at liberty by the simple expedient of filing an appeal against a sentence of imprisonment. Such an appeal may, in certain cases, be carried as far as the Court of Cassation. Until the appeal has been heard and decided, the execution of any sentence of imprisonment is suspended.

4. You will appreciate that Allied Provost Marshals and local Commanders do not take kindly to the fact that men, arrested at their instance on good grounds, may be seen shortly thereafter strolling free about the streets on provisional liberty pending an appeal which may take months to hear.

5. In the interests of smooth working between Allied Military organisations and the Italian Government in the days when Allied Commission officers may be very few in Southern Italy, I urge that the strongest representations be made forthwith to the Italian Government to overhaul the procedure under decree No. 194. The Regional Legal Officer informs me, that the Italian Government are preparing instructions setting forth its views on the matter.

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4. You will appreciate that Allied Provost Marshals and local Commanders do not take kindly to the fact that men, arrested at their instance on good grounds, may be seen shortly thereafter strolling free about the streets on provisional liberty pending an appeal which may take months to hear.

5. In the interests of smooth working between Allied Military organisations and the Italian Government in the days when Allied Commission officers may be very few in Southern Italy, I urge that the strongest representations be made forthwith to the Italian Government to overhaul the procedure under decree No. 194. The Regional Legal Officer informs me, that the Italian Government are preparing instructions setting forth its views on the scope and meaning of this decree. I submit for your consideration, however, that the present complaints can only be satisfactorily met by making 194 imperative in all cases effecting Allied interests.

3046

J. K. DUNLOP,
Brigadier,
Regional Commissioner.

JKD/jh/xv

Copy to: Legal Div, S.R.
Public Safety Div, S.R.
File (2 copies)

COB List
25 Jan 45

Action: CASLEC

INFO: COS

see Number 11812

24 JAN 1945

A. C.

26044 C.O. 5571 (9)
HEADQUARTERS ALLIED COMMISSION

ATO 394

LEGAL SUB-COMMISSION

AC/4010/2/L.

ES/RE.

8 January 1945

JAN 10 1945

SUBJECT : Implementation of Italian legislation in Military Government and Army Territory.

TO : See Distribution List.

198 *Lu 288/ea*

1. The following text is substituted for that contained in ACC/4010/2/L dated 25 July 1944. It will be noted that the basic procedure established by the previous directive remains unaltered.

2. At para (4) below is reproduced in English the text of the attached explanatory circular in Italian which will be handed to the Prefect on the occasion (a) of a province passing under Regional Control or (b) whenever the Army Authorities decide to apply the system of implementation in advance to a province within the zone under Army control and the competent SCAO issues an order to that effect.

At the foot of the directive is a form of acknowledgement which will be signed by each Provincial Legal Officer and returned to the Legal Sub-Commission for the purpose of recording that the circular was duly delivered to the Prefect when one of the aforesaid alternatives have taken place.

3. As is indicated in paras (2) and (3) of the circular to the Prefects, the Provincial Legal Officer will be responsible for assisting the Provincial Commissioner in carrying out the required formalities and also for remitting to the Legal Sub-Commission at HQ AC the receipts essential for maintaining the records.

The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive examining all possible care in putting it into effect and especially that the receipts are forwarded regularly and without delay.

Whenever a replacement of "Gazzetta Ufficiale" is dispatched to a Province for distribution a warning note is sent to the Regional Legal Officer concerned giving the number of packets dispatched and

the zone under Army control and the competent SCAD issues an order to that effect.

At the foot of the directive is a form of acknowledgement which will be signed by each Provincial Legal Oficer and returned to the Legal Sub-Commission for the purpose of recording that the circular was duly delivered to the Prefect when one of the aforesaid alternatives have taken place.

3. As is indicated in paras (2) and (3) of the circular to the Prefects, the Provincial Legal Officer will be responsible for assisting the Provincial Commission in carrying out the required formalities and also for remitting to the Legal Sub-Commission at HQ HQ the receipts essential for maintaining the records. The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive exercising all possible care in putting it into effect and especially that the receipts are forwarded regularly and without delay.

Whenever acknowledgment of "Gazzetta Ufficiale" is dispatched to a Province for distribution a warning note is sent to the Regional Legal Officer concerned giving the number of packets dispatched and the corresponding issue number of "Gazzetta Ufficiale", thus enabling HQ HQ informed and enabling him to ensure proper delivery by checking with the message center of his HQ.

3043

4. Translation of the Circular to Prefects

MINISTRE DE JUSTICE
Office for Publication of Laws
and Decrees

Rome, 5 Jan. 1943

To: Their Excellencies the Prefects

SUBJECT : Efficacy and promulgation of decrees entered by the Italian Government and published in the "Gazzetta Ufficiale" of the Kingdom.

The Allied Commission (A.C.) has ordered the distribution of the

of the "Gazzette Ufficiale" of the Kingdom in territories administered by the Allied Military Government (A.M.G.) exclusive of the provinces in the zone of operations controlled by the Army.

However in the last mentioned provinces the distribution may be made from time to time on the order of the competent Senior Civil Affairs Officer (SCAO).

By agreement with this Ministry the said Allied Commission has issued the following instructions in respect of the efficacy and promulgation in the aforesaid territories of the legislation enacted by the Italian Government and published in the "Gazzette Ufficiale" of the Kingdom:

- (1) Such legislation shall be made operative in territories administered by A.M.G. by virtue of a special endorsement of the Deputy Chief of Staff of the Allied Commission published at the end of the "Gazzetta" and referring to legislative provisions published in one or more issues of the "Gazzetta" preceding the issue containing the said endorsement. By way of exception the said endorsement may refer to legislative provisions contained in the same issue of the "Gazzetta" in which the endorsement is printed. The provisions thus made operative will become effective in each Province of the aforesaid territories as of the date on which the competent Prefect receives from A.M.G. the explanation below in para 2) the copies of the "Gazzetta" containing the above mentioned endorsement, for distribution to addressees within the Province.

However the Deputy Chief of Staff of the Allied Commission may in his endorsement exclude the application to the aforesaid territories of any legislative provision published in these issues of the "Gazzetta" to which the endorsement refers. The legislative provisions thus excluded are published in said territories for information only.

- (2) The distribution of the "Gazzetta" is entrusted in each Province of the said territories to the Prefect. For this purpose the Prefect

said endorsement. By way of exception, the endorsement is not required for legislative provisions contained in the same issue of the "Gazzetta" in which the endorsement is printed. The provisions thus made operative will become effective in each Province of the aforesaid territories as of the date on which the competent Prefect receives from A.C. the explained below in para 1) the copies of the "Gazzetta" containing the above mentioned endorsements, for distribution to addressees within his Province.

However, the Deputy Chief of Staff of the Allied Commission may, in his endorsement exclude the application to the aforesaid territories of any legislative provision published in those issues of the "Gazzetta" to which the endorsement refers. The legislative provisions thus excluded are published in each territory for information only.

(2) The distribution of the "Gazzetta" is entrusted in each Province of the said territories to the Prefect. For this purpose the Prefect receives from the A.C. through the Office of the Provincial Commissioner, and specifically through the Provincial Legal Officer, a package containing as many copies of the "Gazzetta" as are to be distributed under the Prefect's supervision to the addressees indicated on each copy.

(3) In order to record and make known the date of receipt of the individual issues of the "Gazzetta" containing the endorsement set out above in para 1, each Prefect before distribution is made shall cause every copy to be stamped or otherwise marked with the date on which he has received the specific issue of the "Gazzetta"; this date, as explained above in para 1, shall be the effective date in the event of non-compliance of the legislative provisions thus rendered operative thereon. To ensure compliance with this requirement the Prefect receives from A.C. with each packet mentioned above in para 1 a triplicate form as mentioned in Italian and English to be completed and signed by

signed by him at the request of the Provincial Commissioner thus certifying the date of receipt.

The Prefect shall forward two copies of the aforementioned certificate form of receipt to the Provincial Commissioner attention Provincial Legal Officer (one for onward transmission to the Legal Sub-Commission of the A.C. and the other to be filed in the files of the Provincial Commissioner) - and shall keep the third copy among the records at the Prefettura. Of course, no receipt forms will accompany packets of the "Gazzetta" that do not contain an endorsement.

- (4) The legislative provisions enacted by the Italian Government in Brindisi and Salerno and published in the "Gazzetta Ufficiale" Nos. 119 to 124, and Nos. 1 to 30 of 1944 have been reprinted and collected in one special volume. On page 954 of this volume is reproduced an endorsement of the Allied Commission regarding the major parts of said legislative provisions operative in territories administered by the A.M.G. The above set out instructions relating to the "Gazzetta" shall apply equally to the procedure for the putting into effect and divulgation of the provisions reprinted in this "Collection".

- (5) It should be noted that when the above system first begins to operate in a Province, the Prefect concerned will receive in one or more consignments a considerable number of packages each containing an appropriate number of copies of the "Collection" referred to above in para 4 and of the subsequent issues of the "Gazzetta Ufficiale" beginning with issue No. 40. At this initial stage particular attention will be required to ensure that the receipt forms mentioned above in para 3, relating to the packets to which they are attached, are dealt with in accordance with para 3 of this directive.

- (6) Considering the importance attaching to this service designed to ensure within the limits of present

divulgate of the provisions reprinted in this "Collection".

(5) It should be noted that when the above system first begins to operate in a Province, the Prefect concerned will receive in one or more consignments a considerable number of packages each containing an appropriate number of copies of the "Collection" referred to above in para 4 and of the subsequent issues of the "Gazzetta Ufficiale" beginning with issue No. 40. At this initial stage particular attention will be required to ensure that the relevant forms mentioned above in para 3, relating to the packets to which they are attached, are dealt with in accordance with para 3 of this directive.

(6) Considering the importance attaching to this service assigned to ensure within the limits of present possibilities the continuity of the Italian legislative system in territories not yet restored to the administration of the Italian Government, four Excoordinances are enjoined at the request of the A.C. to supervise personally the proper application of this directive.

For any question arising out of these matters please consult the individual Provincial Legal Officers.

Director
Gazzetta Ufficiale of the Kingdom
and Official Collection of Laws
and Decrees.
(Sgd) G. GILBERTI

By command of Rear Admiral SPINTE: *W. A. A. A.*
Colonel,
Deputy Chief Legal Advisor
Distribution list: (see over)

MINISTERO DI GRAZIA E GIUSTIZIA
UFFICIO PUBBLICAZIONE LEGGI E DECRETI

Roma, 5 gennaio 1946.

Alle LL. EE. e Prefetti

OGGETTO: Efficacia e divulgazione dei provvedimenti emanati dal
Governo Italiano e pubblicati nella "Gazzetta Ufficiale", del Regno.

La Commissione Alleata (A.C.) ha disposto la distribuzione della *Gazzetta Ufficiale* del Regno, nel territorio sottoposto all'Amministrazione del Governo Militare Alleato (A.M.G.) eccezione fatta per le provincie incluse nella zona delle operazioni, sotto controllo delle armate, alle quali provincie, tuttavia, può esserne fatto invio ove lo disponga, di volta in volta, il competente Ufficiale Capo Affari Civili (S.C.A.C.).

D'intesa con questo Ministero, detta Commissione Alleata impartisce le istruzioni in ordine alla entrata in vigore ed alla divulgazione, in detti territori, dei provvedimenti emanati dal Governo Italiano e pubblicati nella *Gazzetta Ufficiale* del Regno:

1) Detti provvedimenti vengono resi operativi nel territorio amministrato dall'A.M.G. mediante una speciale ordinanza del Sottocapo di Stato Maggiore della Commissione Alleata pubblicata in calce alla *Gazzetta* stessa e relativa ai provvedimenti pubblicati in uno o più numeri della *Gazzetta* precedenti il numero ove è inserita l'ordinanza stessa. Eccezionalmente l'ordinanza suddetta potrà riferirsi a provvedimenti contenuti nello stesso numero della *Gazzetta* in cui l'ordinanza viene pubblicata. I provvedimenti così resi operativi entrano in vigore, in ciascuna Provincia nel detto territorio, dalla data sotto la quale il Prefetto competente riceve, dall'A.C., come specificato al n. 2), gli esemplari della *Gazzetta* che contengono la menzionata ordinanza, per la distribuzione ai destinatari della sua Provincia.

Il Sottocapo di Stato Maggiore della Commissione Alleata si riserva, però, la facoltà, sempre limitatamente agli stessi spazi territoriali di escludere con la stessa sua ordinanza l'efficacia di alcuni fra i provvedimenti pubblicati nel numero della *Gazzetta* cui l'ordinanza si riferisce. I provvedimenti così esclusi vengono resi noti, in detti territori, unicamente a scopo informativo.

2) La distribuzione della *Gazzetta* viene affidata, per ciascuna Provincia in detto territorio, al Prefetto. Allo scopo Egli riceve dall'A.C., per tramite degli Uffici dei Commissari provinciali ed in particolare degli Ufficiali Legali Provinciali un pacco contenente tanti esemplari della *Gazzetta* quanti dovranno distribuirsi, a sua cura, ai destinatari indicati su ogni copia.

3) Per rendere certa e per divulgare la data di ricezione degli esemplari della *Gazzetta* che pubblica l'ordinanza di esecutorietà menzionata al n. 1), ciascun Prefetto deve, prima di distribuirli, far timbrare, o annotare ufficialmente in altro modo, su ognuno di essi, la data di ricezione da parte sua di quello specifico numero della *Gazzetta*, che, come precisa al n. 1), rappresenta la data di entrata in vigore nella relativa Provincia, dei provvedimenti così resi operativi. Per meglio assicurare questo adempimento, egli riceve dall'A. C. insieme col pacco menzionato al n. 2), un modulo in triplice copia redatto in lingua inglese ed italiana. A richiesta del Commissario provinciale, lo riempie e lo firma per attestare la data di ricevimento degli esemplari. Delle tre copie dei moduli anzidetti, ne invia due al Commissario provinciale — all'attenzione dell'Ufficio Provinciale Legale — una per l'invio alla Sottocommissione legale dell'A. C. e l'altra per la conservazione negli atti dell'Ufficio; e trattiene la terza negli atti della Prefettura. Naturalmente nessun modulo di ricevuta accompagna quei pacchi di *Gazzette* che non contengono ordinanze di esecutorietà.

4) I provvedimenti emanati a Brindisi, e a Salerno dal Governo Italiano e pubblicati nella *Gazzetta Ufficiale* dal n. 1/B al n. 6/B nell'anno 1943 e dal n. 1 al n. 39 dell'anno 1944, sono ristampati e raccolti in un volume speciale ora a pagina 661 trovasi pubblicata un'ordinanza della Commissione Alleata che rende operativi nei territori amministrati dall'A.M.G. la maggior parte di detti provvedimenti. Anche per l'entrata in vigore di essi e per la divulgazione della loro « Raccolta », valgono le istruzioni sopra menzionate per la *Gazzetta*.

5) E' da notare che allorché in una Provincia il sistema sopra esposto ha la sua prima applicazione, il Prefetto interessato riceverà in una o più consegne un rilevante quantitativo di pacchi contenenti il necessario numero di copie della « Raccolta » di cui al n. 4) e dei successivi numeri della *Gazzetta* dal n. 40 in poi. Particolare cura sarà necessaria esplicare in tale stadio iniziale affinché le ricevute relative ai pacchi cui sono allegati, vengano utilizzate in conformità di quanto precisato al n. 3).

6) Data l'ovvia importanza che attiene al regolare funzionamento di questo servizio, con il quale si vuole assicurare per quanto possibile, la continuità del sistema legislativo Italiano nei territori non ancora restituiti all'Amministrazione del Governo Italiano, a richiesta dell'A.C. si prega affinché le LL. EE. i Prefetti seguano personalmente l'applicazione delle istruzioni che formano oggetto della presente.

Per ogni questione relativa a tale soggetto le LL. EE. i Prefetti vogliano rivolgersi ai singoli Uffici Legali Provinciali.

Il Direttore
della *Gazzetta Ufficiale del Regno*
e della *Raccolta Ufficiale delle leggi e dei decreti*
G. GIOLITTI

1965

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

Land Forces S/C
Air Forces S/C
Communications S/C
Nav. Met. Dept. and IAW S/C
Public Relations Branch
Minister of Pardon and Justice
R.C. (attn: R.I.O.) Sicily Region
R.C. (attn: R.I.O.) Southern Region
R.C. (attn: R.I.O.) Sardinia Region
Spares

ADMINISTRATIVE

TO: HQ. ADLIS COMMISSION, Legal Sub-Commission

AC/4010/2/L of 8 Jan. 1945 and delivered the circular attached to the Prefect on 30 42

Provincial Legal Officer
Province

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

2604
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4002/10/L

4 January 1945.

JAN - 5 1945

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : Office of Chief of Staff, HQ., AC.

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

(Campbell)
J. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

PA 86
File - 96
File 283/CA
3041
(NO TRACE OF ACTUAL BASIC INSTRS)

2604
SECRET

C/1683

10: ALCON FOR LEGAL

From: AFHQ SIGNED SACMED
FX 56597

NOV 23 1153A

PRIORITY

CITE FRGBI

73/23

24 NOV Recd

SECRET.

FOR INFORMATION ONLY

Our FX 54401 of 18th November to AAI rptd to you refers.

Para 1. AAI have replied here instead of to you direct as requested

Para 2. AAI message nominates One District to execute PIRAS and
BERELLI if sentence confirmed.

Para 3. They ask you to send confirmation direct to One District
with copy to AAI. Can you also confirm to AAI whether subjects are
held FLORENCE.

Dist

Action - Legal SC (2)
Info - Chief Commissioner
C o S
CA Sec
P Safety
File



SECRET

3040

NOV 23 1718A

1968
2604
~~SECRET~~
SECRET

- C.O.S. (3)
4/1255

OSI (S). FOR LEGAL. ADV AMI INFO ALUM

7/19

AFHQ SIGNED MARCHED

PA 54401

NOV 18 1922

ROUTINE

CITE PHOBI PHOBI

19 NOV Recd

FOR INFORMATION ONLY



SECRET.

ANTONIO and BERESILLI GIUSEPPE are subjects.

1. Allied Commission have asked what formation is to carry out executions if sentences are confirmed.
2. As both tried in your area. Please reply to Allied Commission direct. PMS should not be designated. But understand no objection agents captured by U.S. troops being executed by British.
3. Inform Allied Commission also whether confirmation of sentence should be sent through you or direct to formation concerned

LIST

PA 54401
1199
INFO-ACTION LEGAL SC (2)
INFO CHIEF COMMISSIONER
COS ✓
C A SEC
PUB SAFETY
FILE

3039

NOV 19 1944

SECRET

HEADQUARTERS ALLIED COMMISSION
Office of the Acting Chief Commissioner
APO 394

EWS/hjp

A/CC 9256

6 November 1944

7 NOV Recd

MEMO TO: Chief of Staff, Hq A.C.

1. At SACMED's Political Committee Meeting on October 24th, SACMED "ruled that the filming of trials was derogatory to the dignity of the Italian courts and directed that ACC, in conjunction with PWB, arrange that in future no cameras were allowed in Italian courts."

No draft
2. I assume that PWB at AFHQ have issued the necessary instructions as to Allied cameramen but I believe that the A/CC should write to the Prime Minister and that the DCOS, Civil Affairs Section, should write to the Minister of Justice, advising them of the prohibition against Allied cameramen taking photographs in Italian courts and suggesting that they will find it desirable to do likewise in courts under their jurisdiction.

3. Orders should be issued by the Chief of Staff prohibiting all cameramen in courts under AMG territory by direction of SACMED.

Ellery W. Stone
ELLERY W. STONE
Commodore
Acting Chief Commissioner

Copy to: DCOS, Civil Affairs Sec.

PH *[initials]* 8/11
3038
[initials] 8/11

A/CC 250-1

21 October 1944

22 OCT Recd

My dear Mr. Kirk:

You asked me to inform you on the present status of the Kerbini case. The matter stands as follows.

This is not primarily a question of Defascism, as the charge against Kerbini is a criminal one. It is alleged that he, with others, is responsible for the disappearance of considerable funds belonging to the Istituto Nazionale di Previdenza del Gas, and he has been suspended pending investigation. Until completion of the investigation and of the audit which is in progress, there is no prospect of his suspension being revoked.

Yours very truly,

ELLERY W. STONE
Commodore, USNR
Acting Chief Commissioner

The Honorable Alexander Kirk
U.S. Representative to the
Advisory Council for Italy
Via Vittorio Veneto, 119
Rome

cc- eos
"a" files

PA sl

3037

24/1

