

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

ACC

10000/109/586
(VOL. I)

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

10000/109/586
(VOL. I)

POWERS & RIGHTS IN ITAL GOV'T TERRITORY
MAR. 1944 - FEB. 1945

97 (Cont'd)

4. Portion marked 'D'. It is reported that the Island has enough grain with that now being discharged at the ports to provide the full ration of bread and pasta until the end of the month.

8 Feb 45

(Sgd) E.S. MORDEN
Capt.

98

1. Brig. Carr's views with which I concur should be brought to notice of AFHQ - on Italian Army approaching scene of riots unarmed.

2. Thanks to Land Forces Sub-Comm - their idea.

3. Nevertheless they must be held when the time comes, bloodletting in a constructive cause never does much harm.

4. I should like this to be brought to attention of AFHQ who however are doing their best to help. Brig. Carr should see that telegram.

(Sgd) M.S.L.
8 Feb.

101

CSO

Letter submitted for signature by C.C. is self explanatory.

It refers to para 9 on reverse of 73.

1 Mar 45

EH

Capt Morden

102

We spoke. Clear with CAS just please.

(Sgd) M.S.L.
8 Feb.

101

CSD

Letter submitted for signature by C.E. is self explanatory.

It refers to para 9 on reverse of 73.

1 Mar 45

Eh

102

Capt Madden

We spoke. Clear with CAS just please.

Eh

103

3021

CSD

Ref 102 I did have drawn your attention to 95 which shows that VP C4 See has been consulted.

2 Mar 45

104

Examine

Letter opposite submitted for signature

Cleared with CAS.

11 2/3.

Letter signed for 3/3.

105
V.11

87

CSO

Letter submitted for signature replies to

82. Handwritten letter to AF

30 Jan 48

3/1/1

[Signature]

98

CSO

Will discuss with R.C. Sicily 11/5/82

99

Discussed. Covered at meeting with LF Sub Com.

as a result of which letter to AF HQ will issue

11/1/82

100

92 was discussed and cleared

cos - Buj Can.

11/15/82

101

NOTE: Minute Nos. 97 and 98 below are minutes 18 and 19 extracted from file 171/EC.

29. 22. 89
 Discussed. Covered at meeting with L.F. S.O. Com.
 as a result of which letter to AFHQ will issue
 DDC/12/2

N. B.
 92 was discussed and cleared
 Cog - Brig Com.
 15/2

26

NOTE: Minute Nos. 97 and 98 below are minutes 18 and 19 extracted from file 171/EC.

27

TO: C.O.S.

1. DO letter from Brig. Carr opposite is in the nature of a report of recent events. Most of that which appears under the heading 'Public Safety' we already know from other files. Reference, however, to the portion I have marked 'A', the R.C. again draws attention to the standing orders laid down by AFHQ effecting the use of firearms by troops proceeding to the area of the disturbance. From file 2606/COS herewith, I note that COS disagrees with the views expressed by Land Forces S/C. I suggest this is a matter which could be discussed at the meeting on Friday, 9 Feb, at which the R.C., Land Forces S/C and Public Safety S/C will be present.

2. Note also portion marked 'B'. The R.C. is apparently pleased with the effect of the arrival of armoured vehicles.

3. Portion marked 'C'. The R.C. is apparently filled with horror at the thought of holding local elections under present conditions.

4. Portion Marked/.....

CSO

74

To see 72 + 73 which cancel previous "Defense Plans" (as flagged) + amplify AFHQ Admin Mem 57 (at 63). It appears to meet our case as put up on CA file 14602/5/PS folio 14A. See particularly paras 5 + 6. This is the only copy available + as it should have a distn to Rts etc. I have had it reproduced. It has been ackd.

12 Jan 45

75

Stk

Capt Warden

chase manuscript Stk

Distribute 73. CA file draft to be attached to

include reference to liaison. Skipped in para 5 of 73.

77

Stk
12/1

CSO

Ref 73. 74 + 75 I have seen Lt Col Ingledene who has informed. It first of these portions of the directive which concern it. He accepts his copy as the action copy.

12 Jan 45

Capt. Hadden

75.

Distribute 73. CAP to draft to be attached to include reference to liaison. St. signed in Jan 5 of 73.

77

CSO

Ref 73. 74 + 75 I have seen Lt Col Ingledene who has informed. It fort of these positions of the directive which concern it. He accepts his copy as the action copy.

He considers we shd not advise RCs as they will receive copies from their Districts, but as I have copies I think we shd do this. In the evening that you agree, draft covering letter is submitted for approval.

15 Jan 45

78.

Capt. Hadden

Agree.

18 Jan

24 Feb.

C50

67

1. This file has been in action for the last two days so you may not have studied Afters Admin Memo No 57 at 63.
2. It is possible to compare it para by para with previous instructions, as follows:-

Para	Previous ref.
2	AA1 Admin Instr 48 folio 18
3	ditto
4	ditto
5	Local Def Plans folio 23
6	AA1 Admin Instr 48 folio 18
7	ditto
8	ditto

3. Here & there is a slight difference in wording, but for clarity & not to alter the sense.
4. Ref para 5, this does not include the greater definition of letter of 27 hrs, Local Def Plans (folio 59) but in minute 55, folio 23 is described as the touchstone.
5. Para 4 & 6 has no previous origin but is a directive to mil from comd.

Sol

5 Local Def Plans folio 23
 6 AA1 Admin Instr 48 folio 18
 7 ditto
 8 ditto

3. There is a slight difference in wording, but for clarity & not to alter the sense.
4. Ref para 5, this does not include the greater definition of letter of 27 how, Local Def Plans (folio 59) but in minute 55, folio 23 is described as the touchstone.
5. Para 4 b has no previous origin but is a directive to unit from cndos.

4 Dec 48

68

Sh

Ref 57 Co has included CAs on item file 14560231 LC
 draft letter is AT+re presenting at 3 Dist order.

Sh
 21/12/74

Acting Chief Commissioner.

P41

Attached is submitted for your information/signature/approval.

✓ MS/3/11/44

1st Sec

(51)

also

Ref folio 44, addressed to you, it answer from
VAT Sec 47-49, copy to you. Have you any
Comments?

4/12

B. Shorden
Capt
Office of C.S.

Co. 5.

(52)

Political Section has nothing to add to the excellent presentation of
Brigadier Upjohn. The question is primarily a military one and measures
taken should follow instructions as comprehensive as possible to meet possible
eventualities - such instructions to be given by high authority.

Dec. 5

W. B. B. B.
V.P. - Political Section.

Chief of Staff.

55.

1. The contents of Sections in answer to your enquiry at 44 on intervention
by AC at the request of the Italian Government are at 45 - 54.

continued. 2. The consensus of opinion is that the instructions of AFHQ (outlined at 23)
should be the touchstone. Intervention should only be made if direct Allied
military interests are in danger.

4/12

Co.S.

Political Section has nothing to add to the excellent presentation of Brigadier Upjohn. The question is primarily a military one and measures taken should follow instructions as comprehensive as possible to meet foreseeable eventualities - such instructions to be given by high authority.

Dec. 5

W. J. B. L. H. T.

V.A. - Political Section.

55.

Chief of Staff.

1. The comments of Sections in answer to your enquiry at 44 on intervention by AC at the request of the Italian Government are at 45 - 54.

2. The consensus of opinion is that the instructions of AFHQ (outlined at 23) should be the touchstone. Intervention should only be made if direct Allied Military interests are in danger. The comments of Brigadier UPJOHN (49) are at length and go further than this. I will not summarise his comments, which are sideline and very clearly set forth. In general, he wishes to take each case on its merits.

I suggest this is discussed at tomorrow's Co. meeting.

→ T. J. H. C. 11/12/44

J. H. C. 11/12/44

Lt. Col.
CSO.
to C.S.

11 Dec. 44.

MISSING ISSUES
NOT AVAILABLE

FILMED AS FOUND
IN COLLECTION

31

CA Section to legal sec.

Ref 30. have you any comments on this?

18.10.44

W. J. Ship 1552

Cto H

Chief V. H. H.

32

CA Section

J. A. J. J.

Richard H. W. J.

Ch. C. C.

C. L. A.

18.10.44

33

COS.

It is understood that legal subcommittee
having in view the possibility of ^{private} ~~public~~ control over some
area, have in a draft Order for that purpose ready
for approval, which could be privately submitted to the circumstances
which have to be met.

34

CAS. If necessary we shall be
1900.1944 furnished with copy from AFH.O.
W. J. J.

35

COS.

18/10/44

CLA

33

COB

It is understood that legal subcommittee
 having in view the possibility of restoring
 some, have in a draft opinion for that purpose ready
 to be submitted to the committee, which has to be made

34

COB. If possible we should be
 1900.1944 furnished with reply from AFHQ.
 W. Zick

35

COB

There is no information

36

23 OCT. 1944

3815

40

CSO

Ref 36-38 draft letter to AFHQ now submitted.

31/10

42

COB

Please see 41, which is on the line 95 outlined to us in
 30. AFHQ may wish to see and I will then pass to CAS.

2/11

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

2606

~~SECRET~~

SUBJECT: SICILIAN Disturbances

Land Forces Sub Com. A.C.
(M.M.I.A.)
S/G/33
28 Feb 45

TO : Executive Commissioner ←

MAR 1 - 1945

49

Reference your 2606/99/EC of 26 Feb 45.

Forwarded herewith is amended letter for signature
by Chief Commissioner.

105 VOL II

cgl.

J. M. Ingledew
Major General
M.M.I.A.
H. Cl

3814

CONFIDENTIAL

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

(99)

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

~~SECRET~~

Ext: 735

Ref: 2606/99/PC.

26 February 1945.

SUBJECT: SICILIAN Disturbances.

TO : Land Forces Sub-Commission (M.H.I.A.).

(95)
Reference to your letter S/G/33 dated 25 February 1945 your draft, as amended, is approved. Will you now have it typed for signature by the Chief Commissioner.

[Signature]
Chief Staff Officer,
To the Executive Commissioner.

Encl.

BU
-Noted J. PA
28/2

MISSING ISSUES
NOT AVAILABLE

FILMED AS FOUND
IN COLLECTION

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

171

~~SECRET~~ 195

SUBJECT: SICILIAN Disturbances

FEB 25 1945

Land Forces Sub Com. A.C.
(M.M.I.A.)

3/6/33
25 Feb 45

TO : Executive Commissioner, Hq. A.C.

93

Your ref 171/-/COS of 9 Feb 45.

1. Attached is a proposed draft to be submitted to A.F.H.Q. by you concerning the use of Italian Troops and arms in quelling civilian disturbances which has been agreed by VP Civil Affairs Sec.

cgl.

[Signature]
Major General
M.M.I.A.

Sec 99

3811

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

2606

93

Ref : 171/ /COS.

9 February 1945

SUBJECT : Sicilian Disturbances.

TO : Land Forces Sub-Commission (WMIA)
(Attention Lt. Col. Ingledew.)

73

1. As agreed at the conference today, will you please prepare a draft letter to AFHQ asking them to consider amending their order No. 370.6/005 GCT-0 of 6 January on the subject of Local Defence Plans, with particular reference to para 9 regarding the handling of arms when quelling civil disturbances.
2. Will you please coordinate with Civil Affairs Section on this matter.

E. TALBOT
Colonel,
Chief Staff Officer.

Copy to : Civil Affairs Section.

Copy to 3618/c.s.

Matter is being handled from the AFHQ end. *[Signature]*
per May Banking - 21st Feb.

PA

See 94

3210

16
1/2

2606

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

~~SECRET~~

FILE:RC/201

26 Jan 1945

CONFIDENTIAL

FEB 3 1945

My dear Luck,

You will remember that during the recent disorders in RAGUSA Province when speaking to me over the telephone you stated that the situation was one which must be dealt with by the Italian authorities and that any re-imposition of Allied Military Government must be avoided at all costs, or words to that effect.

In view of the difficulties of communication here I had to convey this in writing to the Provincial Commissioner at CATANIA and accordingly sent him a letter, copy of which is enclosed as annexure A. This letter is self-explanatory but it was not my intention as I have since pointed out to the Provincial Commissioner that a copy of it should be sent to the Commander 204 Sub-Area. If I had wished to communicate with this Commander in writing I should have done so myself. All I intended was that the Provincial Commissioner should convey the sense of the instructions I had received to the Sub-Area Commander.

However, the Provincial Commissioner gave a copy of my letter to the Commander 204 Sub-Area who has thought fit without consulting me to take the matter up with higher military authority. Vide copy of letter (Annexure B).

I do not consider that my letter to the Provincial Commissioner implies that Allied Military Government will not be introduced under any circumstances, that is, that the existing ARHQ instructions do not apply. It was one of those matters which are difficult to put down in writing. If I had said "any will be avoided, if possible" that would have been too weak while if I had said "any must be avoided at all costs" that would have been too strong. I have discussed the matter with my Provincial Commissioner and he has agreed that the matter with my Provincial

90

Commissioner at Catania and accordingly sent him a letter, copy of which is enclosed as annexure A. This letter is self-explanatory but it was not my intention as I have since pointed out to the Provincial Commissioner that a copy of it should be sent to the Commander 204 Sub-Area. If I had wished to communicate with this Commander in writing I should have done so myself. All I intended was that the Provincial Commissioner should convey the sense of the instructions I had received to the Sub-Area Commander.

However, the Provincial Commissioner gave a copy of my letter to the Commander 204 Sub-Area who has thought fit without consulting me to take the matter up with higher military authority. Vide copy of letter (Annexure B).

I do not consider that my letter to the Provincial Commissioner implies that Allied Military Government will not be introduced under any circumstances, that is, one of those matters which do not apply. It was writing. If I had said "AllG will be avoided, if possible" that would have been too weak while if I had said "AllG must be avoided at all costs" that would have been too strong. I have discussed the matter with my Provincial Commissioner and he states that he made the situation quite clear to the Sub-Area Commander that while the Allied Commission directions were that every possible effort must be made to avoid re-imposition of AllG there was no cancellation of the existing instructions on the subject which envisage the re-introduction of AllG should the gravity of the emergency call for such action. I am informing you of the situation as this arose out of a phone conversation and so that, as presumably the matter will be referred to your Headquarters, you will know how this question arose. Personally, I think it was quite unnecessary for the Commander of 204 Sub-Area to refer to higher authority a matter which could have easily been settled locally by discussion with me.

Yours sincerely
mean

M. Carr
Brigadier
Regional Commissioner

Brigadier M.S. Lush C.B. C.B.E. M.C.
Chief of Staff

Allied Commission Headquarters
R O M E

see 9/4

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

C O P Y

ANNEXURE A

91

SECRET

FILE:RC/000.5

9 Jan 1945

SUBJECT: Disorders - RAGUSA Province

TO : Provincial Commissioner
Eastern Sicily

Verbal instructions have been received from Headquarters Allied Commission that the present situation in RAGUSA Province and the surrounding country is one which must be dealt with by the Italian authorities and that it is essential that no question of the re-introduction of Allied Military Government should arise. This policy will also apply to any similar situation which may occur in future. Will you please ensure that your officers are so informed.

It will be appreciated that any application for the re-imposition of Allied Military Government is a matter for the local service and not the Allied Commission authorities.

Will you please inform the commander 204 Subarea of the instructions received on the Allied Commission side in respect of this matter as given in this letter.

/s/ M. Carr, Brigadier

/t/ M. CARR
Brigadier
Regional Commissioner

3808

ANNEXURE 2

C O P Y

SUBJECT:- Aid to the Civil Power.

HQ 204 SUB AREA C.M.F.

TELE :-14353

3/11(C)

20 Jan 45

3 DISTRICT

COPY to :- HQ AC PALERMO
AC CATANIA

1. Attached is copy letter HQ/000.5 dated 9 Jan 45 received from HQ AC Sicilia region PALERMO in which the question of the re-imposing of AMG in ICM is raised. Whilst the meaning in the letter is not clearly defined, it nevertheless implies that AMG will not be re-introduced under any circumstances, with particular reference to future disturbances. According to the AC PALERMO these instructions were received verbally from their HQ.
2. Whilst the above instructions were applicable during the recent disturbances i.e. disturbances which were not aimed against the Allies; it is nevertheless felt that such instructions are contrary to those received from HQ 3 District vide Op Instr No.18 dated "aid to the Civil Power". In this Instr provision is made for the re-introduction of AMG, should Allied interest be threatened, if the Area Comd is of opinion that it is necessary for the protection of same.
3. This HQ is of opinion that Instrs as issued by HQ AC to Regional Commissioner be co-ordinated with the Military HQs concerned, and the latter's approval should be obtained, prior to issue.
4. Until instrs are received to the contrary, AMG will be re-introduced in ICM subject to CQC approval.

1. Attached is copy letter HQ/000.5 dated 9 Jan 45 received from HQ AC Sicilia Region PALMUNO in which the question of the re-imposing of AMG in IOT is raised. Whilst the meaning in the letter is not clearly defined, it nevertheless implies that AMG will not be re-introduced under any circumstances, with particular reference to future disturbances. According to the AC PALMUNO these instructions were received verbally from their HQ.
2. Whilst the above instructions were applicable during the recent disturbances i.e. disturbances which were not aimed against the Allies; it is nevertheless felt that such instructions are contrary to those received from HQ 3 District vide Op Instr No.18 dated "Aid to the Civil Power". In this Instr provision is made for the re-introduction of AMG, should Allied interest be threatened, if the Area Comd is of opinion that it is necessary for the protection of same.
3. This HQ is of opinion that Instrs as issued by HQ AC to Regional Commissioner be co-ordinated with the Military HQs concerned, and the latter's approval should be obtained, prior to issue.
4. Until instrs are received to the contrary, AMG will be re-introduced in IOT subject to GOC approval, should the situation warrant it.
5. Ref para 3 of att copy letter, the phrase "Local Services" is interpreted as this HQ.

3800

/s/ (illegible)

Col,
Comd.

MISSING ISSUES
NOT AVAILABLE

FILMED AS FOUND
IN COLLECTION

86
SECRET

478201

30 January 1945.

Ref: 2606/86/003

SUBJECT: Use of Troops in Aid of the Civil Power.

TO : Regional Commissioner,
SICILIA Region.

1. Reference to your letter RO/000.5 dated 19 Jan 45, I asked Land Forces Sub-Commission (AMIA) to give me their comments on this and I attach copy of their reply dated 27 Jan 45 together with copy of my memorandum to Land Forces Sub-Commission dated 25 Jan 45. -23

2. I agree with their views in para 1 A, B, and C, and I do not see how the provisions of AMIA letter dated 6 January be otherwise worded. I should, however, be glad to hear from you if you still feel uncertain about this procedure.

NO
Brigadier,
Chief of Staff.

Incl:
as above

3804

2606
Ynes
SECRET
605
85
CONFIDENTIAL

SUBJECT: Use of Troops in Aid of the Civil Power.

LAND FORCES SUB - COM. A.C.
(M.M.I.A.)
File No. S/G/33
27 Jan 45.

To : C O S, A.C.

Your ref: 2606/83/COS dated 25 Jan 45.

JAN 28 1945

1. Following, at your request, are comments on the Regional Commission -
- issioners letter:-

- A. Allied authorities laying down specific rules under which the Italian authorities are to discharge their responsibilities. This is felt to be necessary because of the possibility of Italian troops opening un-controlled fire upon civilians when the crowd should be able to be dispersed by a mere show of strength. Along this line, your attention is called to letter Allied Control Commission, Sicily Region HQ, file RPS/014.1 dated 25 Oct. 44. in which Brig. CARR says "allegedly without orders from the Commander, the troops returned fire". As you know the standing instructions for Riot control are laid down in detail for both the British and American Armies. If anything, the Italians should have more rigid regulations than either British or American troops.
- B. Moving to scene of disturbances with rifles un-loaded. For an ordinary civil disturbance this policy is alright because it will prevent unnecessary firing and casualties. The officer in charge troops is empowered to order rifles loaded. When moving against armed rioters, the troops commander must use his judgement as to the proper time to order rifles loaded. The commander of the troops moving by truck exercised poor judgement by allowing his command to come close enough to armed rioters to be disarmed without having ordered rifles loaded.
- C. Para 3 is agreed, but it is pointed out that the distinction has to be made in the mind of the troop commander. A competent officer should be able to decide what action is necessary.

--- 2 ---

(84)

Continued:.....

- D. As for para 2 of your covering letter, the mobile Bns of the CC RR were approved by AFHQ and it is assumed they had this question in mind. The special Bns, by the nature of their equipment, would be used only in serious cases when other ordinary means had failed. The special Bns could hardly come under the same regulations as for other troops because the purpose of their existence is to have the necessary fire power and mobility which the ordinary Italian units lacks.

JW

Rex L. Pinkley
for Major General,
K. M. I. A.

SD/50

83

~~SECRET~~

CONFIDENTIAL

Tel: 735

25 January 1945.

Ref: 2606/83/008.

SUBJECT: Use of Troops in Aid of the Civil Power.

TO : Land Forces Sub-Commission (LMA).

1. With reference to AFHQ letter AG 370.6/005 COT-0 dated 6 Jan 45, subject: 'Local Defense Plans', attached hereto is copy of letter dated 19 Jan 45 from the Regional Commissioner, SICILIA Region.
2. You will see that he does not agree with the provisions of para 9 of the AFHQ letter and there may be something in his contention. As a matter of fact para 9 c. would invalidate the use of armoured vehicles which have recently been sent to SICILY and which presumably are armed with automatic weapons.
3. Will you kindly forward your comments on the Regional Commissioner's letter.

see 85

[Signature]
Chief Staff Officer,
To the Chief of Staff.

Incl:
as above

BU
3029
110 led
PA
26/1

2606 A
ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

2606 A
SICILIA REGION HEADQUARTERS
APO 394

FILE:RC/000.5

19 JAN 1945

JAN 24 1945

SUBJECT: Use of troops in aid of civil power

TO : Headquarters Allied Commission
R O M E

1. With reference to your 2606/79/COS of 15 JAN 45, this Headquarters is already in possession of a copy of AFHQ Administrative Memorandum No. 57 of 11 DEC 44.

2. In regard to your letter under reference and to AFHQ letter AG 570.6/005 COS-0 of 6 JAN 45, I have the following comments.

If, as stated in para 5 of the AFHQ letter, the maintenance of law and order is the responsibility of the Italian authorities, I am at a loss to understand why the Allied authorities should, under para 9 of the letter, lay down specific rules under which the Italian authorities are to discharge their responsibilities.

During the recent disorders in this island, when seeking information as to how it can happen that Italian police and troops can be disarmed by the civil population, I usually find that rifles were unloaded.

During the disturbances this month in RAGUSA Province I had heard that a considerable number of troops had been disarmed. My present information as the result of a personal tour of the area is that this happened when a column of troops in lorries were moving along a road to clear up the situation in a village. The troops, whose rifles were not loaded, were attacked en route and all disarmed.

Now that the disturbances are over the rioters have dispersed not only with the arms they brought into the battle but also with those taken from the Armed Forces.

The movement of troops under such circumstances is governed by para 9 a. of the AFHQ letter which lays down specifically that weapons must be unloaded.

Italian authorities should, under para 9 of the letter, lay down specific rules under which the Italian authorities are to discharge their responsibilities.

During the recent disorders in this island, when seeking information as to how it can happen that Italian police and troops can be disarmed by the civil population, I usually find that rifles were unloaded.

During the disturbances this month in PANGLOSS province I had heard that a considerable number of troops had been disarmed. My present information as the result of a personal tour of the area is that this happened when a column of troops in lorries were moving along a road to clear up the situation in a village. The troops, whose rifles were not loaded, were attacked en route and all disarmed.

Now that the disturbances are over the rioters have dispersed not only with the arms they brought into the battle but also with those taken from the Armed Forces.

The movement of troops under such circumstances is governed by para 9 a. of the ARMO letter which lays down specifically that weapons must be unloaded.

3. It appears to me that in the case of this island the minds of the local civil and military authorities have become much confused under the instructions which they have received. I think it essential that a distinction should be drawn between the forces of law and order dealing with a presumably unarmed crowd in a city and those dealing with rioters which are known to be armed and which, in the case of this island, may be as well if not better armed than their opponents.

4. Although your letter under reference is only passed to me for information I respectfully suggest that urgent consideration of the points raised above may be necessary.

M. Carr
M. CARR
Brigadier
Regional Commissioner

RECEIVED
24 JAN 1945
see 83

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2606 A 10 10 581
HEADQUARTERS
SOUTHERN REGION, ALLIED ~~CONTROL~~ COMMISSION
OFFICE OF THE REGIONAL COMMISSIONER
APO 394

E/1473

18 January 1945

JAN 20 1945

SUBJECT: Employment of Troops in Aid of the Civil Power.

TO: Headquarters, Allied Commission, ✓

71

Receipt is acknowledged of your 2606/79/COS of 15 January 1945. (Secret)

JKD/jh

[Signature]
J. K. DUNLOP,
Brigadier,
Regional Commissioner.

*AF 216
returned for this document
clay receipt*

3799

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

2606
AC/14602/5/PS

16 January 1945

JAN 16 1945

My dear Mr Prime Minister:

With further reference to your letter 19909/14008/1.6.4 of 25 November 1944 on the employment of Italian troops in aid of the civil power, the position has now been clarified by Allied Force Headquarters.

It has been agreed that, since the maintenance of law and order in Italian Government territory is the responsibility of the Italian authorities, Italian troops may be called out to assist the civil power without prior reference to Allied Military Commanders. The instructions referred to in your letter have now been modified accordingly.

Though this has been arranged it does not abolish the necessity for close liaison between the appropriate Local Italian civil and military authorities and the local Allied District, Base Section Area etc commander so that both sides may be fully aware of the situation and of the resources available to meet it.

Yours very truly,

(S) ELLERY W STONE

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
ROME

PA [Signature] PA [Signature]

(Copy passed to 'A' files)

~~SECRET~~

Tel : 478204

Ref : 2606/79/003.

15 Jan 1945

SUBJECT : Employment of Troops in Aid of the Civil Power.

TO : Regional Commissioner,
Sicilia, Sardegna, Southern, Lazio-Umbria,
Abruzzi-Marche, Toscana, Emilia, Liguria,
Piemonte, Lombardia and Venezia Regions.
SCAO's Fifth and Eighth Armies.
DCCAO 15 Army Group.

63.

73

1. Attached hereto is copy of AFHQ Letter AG 370.6/005 GGT-0 dated 6 Jan 45, subject : "Local Defence Plans". In para 3 of this letter you will see that it is in amplification of AFHQ Administrative Memorandum No. 57. It is not considered necessary that you should have a copy of the letter, as the pertinent information is contained in paras 5 - 10 of the enclosed.

2. This is passed to you for information.

[Signature]
Brigadier,
Chief of Staff.

3757

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

~~SECRET~~

~~SECRET~~

77

Ref: 2606/79/001.

15 January 1945.

SUBJECT: Employment of Troops in Aid of the Civil Power.

TO : Regional Commissioner,
SICILIA, SARDEGNA, SOUTHERN, LAZIO-UMBRIA,
ABRUZZI-MARCHE, TOSCANA, EMILIA, LIGURIA,
PIEMONTE, LOMBARDA and VENEZIA Regions.
SCAO's FIFTH and EIGHTH Armies.
DCCAC 15 Army Group.

17

1. Attached hereto is copy of AFHQ letter AG 370.6/005 OCT-O dated 6 Jan 45, subject: "Local Defence Plans". In para 3 of this letter you will see that it is in amplification of AFHQ Administrative Memorandum No. 57. It is not considered necessary that you should have a copy of the latter, as the pertinent information is contained in paras 5 - 10 of the enclosed.
2. This is passed to you for information.

Brigadier,
Chief of Staff.

see Minute 78
9 Feb 79
3736

B

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

Tel. 478301

Ref. 2606/75/CMS.

12 January 1945

SUBJECT: Local Defense Plans.

TO : ARMO.

1. Receipt is acknowledged of your AG 370.6/005 OCT dated 6 Jan, copy No 100 addressed to WMA for Army Sub Commission.

2. A copy addressed to Deputy President, Allied Commission has not yet been received.

For the Chief Commissioner:

Edm
Lieutenant,
Chief of Staff.

3795

SECRET

593

108

ALLIED FORCE HEADQUARTERS
APO 512

.....
: **SECRET**
: Auth: SAC *Raf*
: Initials: *Raf*
: 6 January 1945
:

AG 370.6/005 OCT-0

6 January 1945

SUBJECT: Local Defense Plans.

TO : Commanding General, 15th Army Group.
General Officer Commanding, Number 1 District
General Officer Commanding, Number 2 District
General Officer Commanding, Number 3 District
Commander, Balkan Air Force
Commander, Land Forces, Adriatic
Commander, Military Mission to the Italian Army
FOR: Army Sub-Commission.
Deputy President, Allied Commission
Commanding General, Peninsular Base Section, APO 782.
Commanding General, Rome Area Allied Command, APO 794.

1. Letters, this headquarters, file AG 370.6/105 OCT-0, dated 24 September 1944, AG 370.6/107 OCT-0, dated 27 November 1944, and AG 370.6/107 OCT-0, dated 8 December 1944, all subject as above, are rescinded and the following substituted therefor:

2. Your attention is directed to recent local uprisings and disorders which indicate the possible inability of local police to cope with such situations.

3. The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is laid down in paragraphs 5 and 6 of AFHQ Administrative Memorandum Number 57, 1944, subject: "Powers and Rights of Allied Forces in Italian Government Territory". The following instructions are in amplification of those included in Administrative Memorandum Number 57.

4. There are two types of areas in that part of Italy in rear of the Army boundaries where civil riots or disturbances may occur: first, those areas which have been turned back to the Italian Government, including islands of Sicily and Sardinia, and second, those areas still under Allied Military Government control.

5. Within areas which have been turned back to the Italian Government, the Italian Government is responsible for the maintenance of law and order. To accomplish this, the Italian local civil authorities have under their control the local carabinieri. If, in the opinion of the local Italian authorities, the Carabinieri are unable to deal with the situation, they should appeal to the nearest Italian military headquarters for the assistance of such Italian troops as the latter has under its control. If no such Italian troops are available, or if there is still need for additional troops, the Italian civil authorities should request the local district (base section) area or sub-area commander for assistance. It is essential that close liaison be maintained by district commanders.

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Ltr, AFHQ, AG 370.6/005 GCT-O,
dtd 6 January 1945 (cont'd)

section) area and sub-area headquarters with the local Italian civil and military authorities.

6. Within areas which are still under Allied Military Government control, the local Allied Military Government authority is responsible for the maintenance of law and order. The local Carabinieri are under the control of Allied Military Government for this purpose. Should additional assistance be required, the local Allied Military Government authority will appeal to the local district (base section) area or sub-area commander. It is essential that close liaison exist between the local Allied Military Government commander and the local district (base section) area and sub-area commanders.

7. The above responsibilities as outlined apply to civil disturbances. A disturbance in which military personnel are involved is a military responsibility and will be dealt with by the appropriate military authority.

8. Immediate reports will be made through normal channels in all cases of riots or civil disturbance, whether or not it has been necessary to employ Allied troops.

9. In any case where Allied or Italian troops are employed to quell civil disturbances, the following instructions will apply:

- a. Troops will be moved to the scene of the disturbance with weapons unloaded.
- b. Weapons will be loaded only on command of an officer.
- c. Only small arms will normally be borne by troops. Commanders are advised that the carrying of automatic weapons by troops in a civil disturbance is most undesirable and will only be allowed in the Army areas where they will be kept to a minimum and used only as a last resort. Grenades are specifically prohibited.
- d. No smoke, tear gas, or chemicals of any kind will be employed.
- e. No troops will open fire upon rioters except on the express order of an officer.

10. Within the Army areas, the Commanding General, 15th Army Group will issue such instructions as are considered necessary to implement the general principles outlined above.

11. Commanders concerned are responsible for the preparation of local defense schemes for the protection of Allied government property and to insure the security and efficiency of the Lines of Communication. Addressees who have not already forwarded copies of their local defense plans will do so without delay. Changes or amendments will be submitted immediately on publication.

SECRET

~~SECRET~~

~~SECRET~~ GCT-0
dat 6 January 1945 (cont'd)

12. All addressees will acknowledge receipt of this order.

By command of Field Marshal ALEXANDER:

C. W. Christenberry
C. W. CHRISTENBERRY
Colonel, AGD,
Acting Adjutant General.

DISTRIBUTION:

- "C-3(A)" plus
- 1 - AGC, Sardinia
- 1 - OC, British Troops, Corsica
- 1 - IS & PS
- 2 - AG Records
- 1 - AG M & D

Reproduced by office of the Staff

140 Allied Commission.

12 Jan 45

2606/cos.

3753

~~SECRET~~

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

SECRET

Ref: AC/4176/L.

9 January 1945.

SUBJECT: Military Zones.

5661 - 496
JAN - 9 1945

TO : Allied Force Headquarters, Attn: G-5 Section.

1. On each occasion when occupied territory has been restored to Italian administration the terms of restoration have expressly reserved the following right:

"The right to declare any area a Military Zone and to exercise therein the rights of an occupying power or enforce such other as may be determined by the Allied Commander-in-Chief".

2. Recently disturbances have occurred in territory which has been so restored and there is the possibility of similar disturbances taking place in such circumstances that the power to declare an area a military zone may have to be exercised at short notice.

3. To meet such an emergency, a form of proclamation establishing a Military Zone has been prepared: a copy is attached.

4. The description of the zone, which will be set out in the schedule to the Proclamation, has inevitably been left blank. This course has been adopted so that prints of the body of the Proclamation can be prepared in advance, leaving only the schedule to be completed after the final decision has been taken.

5. Will you please submit the attached form of Proclamation to the Supreme Allied Commander for his consideration and, if he approves, for his signature?

6. On receipt of the Proclamation signed, the necessary arrangements for the printing thereof will be put in hand.

7. It is presumed that the Supreme Allied Commander will desire to appoint a person to carry out his orders in a Military Zone. It is thought that it would only complicate matters and that it is in fact quite unnecessary to appoint a Deputy Military Governor and that all that is required is that the Supreme Allied Commander should appoint the Chief Commissioner, Allied Commission, to be his Chief Civil Affairs Officer of any Military Zone that may be created and thereupon the ordinary channel of command from the Supreme Allied Commander will operate as in AMG territory restored to Regional control.

3792
/s/ ELLERY W. STONE
ELLERY W. STONE
Rear Admiral, USNR,
Chief Commissioner

Incl: Copy of Proclamation.

69
PROCLAMATION

WHEREAS, it is necessary to establish and maintain law and order in the area described in the schedule hereto;

NOW, THEREFORE, I HAROLD R.L.G. ALKAMER, G.C.B., G.S.I., D.S.O., M.C., Field Marshal, hereby proclaim as follows:

ARTICLE 1

The said area is hereby established as a Military Zone and is hereinafter called 'The Military Zone'.

ARTICLE 2

All powers of Government and jurisdiction and final administrative responsibility in the Military Zone are vested in me as Supreme Allied Commander Mediterranean Theatre of Operations and Governor of the Military Zone and shall be exercised through and by the direction of such persons as I may from time to time appoint.

ARTICLE 3

All state, provincial or other public officials or employees shall, unless dismissed, continue in their present duties as officials or employees under my orders.

ARTICLE 4

Any person who:

- (1) Violates or has violated any provision of Italian law;
- (2) Violates any rule, order or regulation governing the administration of the Military Zone or any inhabitants thereof;
- (3) Disobeys any order given under my authority or the authority of the Allied Forces;
- (4) Takes part in any demonstration or assembly not duly authorized;
- (5) Does any act to the prejudice of good order of the Military Zone;
- (6) Does any act to the prejudice of the safety or security of the

responsibility in the Military Zone are vested in me as Supreme Allied Commander Mediterranean Theatre of Operations and Governor of the Military Zone and shall be exercised through and by the direction of such persons as I may from time to time appoint.

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All state, provincial or other public officials or employees shall, unless dismissed, continue in their present duties as officials or employees under my orders.

ARTICLE 4

Any person who:

- (1) Violates or has violated any provision of Italian law;
- (2) Violates any rule, order or regulation governing the administration of the Military Zone or any inhabitants thereof;
- (3) Disobeys any order given under my authority or the authority of the Allied Forces;
- (4) Takes part in any demonstration or assembly not duly authorized;
- (5) Does any act to the prejudice of good order of the Military Zone;
- (6) Does any act to the prejudice of the safety or security of the Allied Forces or any member thereof;
- (7) Conspires or attempts to commit, or assists or procures the commission of any act hereby constituted an offence;

shall be guilty of an offence and shall, upon conviction by a Military Court be liable to punishment by death or by imprisonment or fine or both as the Court may determine and in respect of any offence under sub-verse 1 above, the punishment which may be imposed shall not be limited to such punishment as may be prescribed for such offence by Italian law.

3791

ARTICLE 5

Military Courts, which shall be General, Superior or Summary Military Courts, are hereby established and have such jurisdiction as shall be conferred upon them respectively.

ARTICLE 6

A. Any person convicted by a Military Court may, within 11 days of conviction present a petition for Review of conviction or sentence.

B. No sentence of death shall be executed unless or until confirmed in writing by me or by an officer expressly authorized in that behalf by me in writing.

ARTICLE 7

This Proclamation shall come into effect throughout the Military Zone upon its first publication therein.

SECEDULAR

The area above referred to being the area of the Military Zone is as follows:

HAROLD R. L. S. ALDAMON
Field Marshal
PRESIDENT ALLEN C. BARNES
THEATRE OF OPERATIONS

DATED:

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

HAROLD R. J. G. ALLEN
Field Marshal
SUPERIOR ALLIED COMMANDER
THEATER OF OPERATIONS

0620

DATED:

as follows:

~~SECRET~~

RUF/wfb

ALLIED FORCE HEADQUARTERS
APO 512

AG 370.6/107 GCT-O

23 December 1944

SUBJECT: Local Defense Plans

TO : President, Allied Commission, APO 394
Attention: Office of Chief of Staff

1. Attached for your information are copies of letters, this headquarters, file and subject as above, dated 24 September, 27 November, and 8 December 1944.

2. Request that you acknowledge receipt by indorsement hereon.

By command of Field Marshal ALEXANDER:

R. H. FRESSE,
Captain, AGD,
Asst Adjutant General.

3 Incls

Incl 1 - Ltr, AFHQ, file
AG 370.6/107 GCT-O, subj:
Local Defense Plans, dtd
8 December 1944.

Incl 2 - Ltr, AFHQ, file
AG 370.6/107 GCT-O, subj:
Local Defense Plans, dtd
27 November 1944.

Incl 3 - Ltr, AFHQ, file
AG 370.6/107 GCT-O, subj:
Local Defense Plans, dtd
24 September 1944.

1st Ind

HEADQUARTERS ALLIED COMMISSION, Office of the Chief of Staff, APO 394.

TO: Allied Force Headquarters, APO 512.

Receipt of copies of letters, enumerated above, is hereby
acknowledged.

For the Chief Commissioner.

Capt. E. S. Morden

Brigadier,
Chief of Staff.

~~SECRET~~

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

Ref: 2606/66/COS

Tel: 289

19 December 1944.

SUBJECT: Local Defence Plans.

TO : Civil Affairs Section.

1. Attached copies of the following AFHQ letters :

AG 370.6/107 GCT-O dated 24 Sep 44. — 23

AG 370.6/107 GCT-O dated 27 Nov 44 (2 copies 39 & 40). — 59

being additional copies received surplus to our requirements are passed to you for your files.

2. Also attached are two copies of an amendment (AG 370.6/107 GCT-O of 8 Dec 44) to the second letter above mentioned. — 60

Incl:
as above

(See M 68)

PAJ
22/12

Chief Staff Officer,
To the Chief of Staff.

8375

657

ALOM SICILIA REGION

8375

18 Dec 44

URGENT

SECRET PD

CONFIDENTIAL

SUBJECT IS AID TO CIVIL POWER PD IN REPLY TO YOUR NEO THREE SIX ONE OF ONE SEVEN DECEMBER PD

PAREN TO ALOM SICILIA REGION FOR CATER FROM HQ ALOM FROM LUNY PAREN
ALHQ HAVE ISSUED INSTRUCTION DATED TWO SEVEN NOVEMBER NUMBER AG
THREE SEVEN ZERO POINT SIX SLANT ONE ZERO SEVEN SIX SLANT ZERO ON THIS SUBJECT PD
THIS INSTRUCTION STATES THAT ITALIAN AUTHORITIES IF THEY OPERATOR CARBIMARI
UNABLE TO DEAL WITH SITUATION SHOULD APPEAL TO NEAREST ITALIAN MILITARY HEADQUARTERS
FOR ASSISTANCE OF ITALIAN TFS PD NO RIGHT NO REFERENCE TO LOCAL BRITISH COMMANDER
IS INDICATED IN THE MEMORANDUM BUT SLICE LIAISON BETWEEN ALLIED MILITARY AND
ITALIAN CIVIL AND MILITARY AUTHORITIES IS STRENGTHENED PD
HEADQUARTERS NUMBER THREE DISTRICT ON SEVEN DECEMBER ISSUED OPERATION INSTRUCTION
NUMBER ONE EIGHT ADDING THAT ITALIAN TROOPS WOULD NOT BE USED WITHOUT
PRIOR CONSULTATION AND AGREEMENT OF LOCAL ALLIED COMMANDER. NOTE EXCEPT IN GREAT
EMERGENCY UNQUOTE YOU HAVE NOTED THAT RESERVES ONLY

57

SUBJECT IS AID TO CIVIL POWER PD IN REPLY TO YOUR REG THREE SIX ONE OF

ONE SEVEN DECEMBER PD

PARTIAL TO ALGERIA REGION FOR CAIR FROM HQ ALGER FROM DUNE PAREN

AFHQ HAVE ISSUED INSTRUCTION DATED TWO SEVEN NOVEMBER REFERENCE NUMBER AG
THREE SEVEN ZERO POINT SIX SLANT ONE ZERO SEVEN OCT SLANT ZERO ON THIS SUBJECT PD
THIS INSTRUCTION STATES THAT ITALIAN AUTHORITIES IF THEY CONSIDER CARABINI
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IS INDICATED IN THE MEMORANDUM BUT CLOSE LIAISON BETWEEN ALLIED MILITARY AND
ITALIAN CIVIL AND MILITARY AUTHORITIES IS STRESSED PD
HEADQUARTERS NUMBER THREE DISTRICT ON SEVEN DECEMBER ISSUED OPERATION INSTRUCTION
NUMBER ONE EIGHT ADDING THAT ITALIAN TROOPS WOULD NOT BE USED WITHOUT
PRIOR CONSULTATION AND AGREEMENT OF LOCAL ALLIED COMMANDER. QUOTE EXCEPT IN GREAT
EMERGENCY UNQUOTE YOU HAVE NOT YET RECEIVED COPY OF REITER INSTRUCTIONS PD
CONSIDER YOU SHOULD BASE YOUR ACTIONS ON AFHQ MEMORANDUM PD

MAFTR NOW UNDER DISCUSSION WITH NUMBER THREE DISTRICT

Copies to: Civil Affairs Section
Public Safety Sub-Commission
Legal Sub-Commission

Chief of Staff

300.

M. W. DEACON, JR.,
MAJOR, AGO,
ADJUTANT

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

2606
INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: **CITE: RSO 361**
Date/Time of Origin: **DEC 17/1150A**

Message Centre No: **C/4450**
Date Time Rec'd: **DEC 17/1237A**
Precedence: **URGENT**

FROM: **ALCOM SICILIA REGION (CARH)**

TO: **HQ ALCOM**

18 DEC 1944

RESTRICTED

RESTRICTED.

1. Subject is aid to civil power. Request urgent decision on my RC/ 000.5 of 24 October.

ACTION

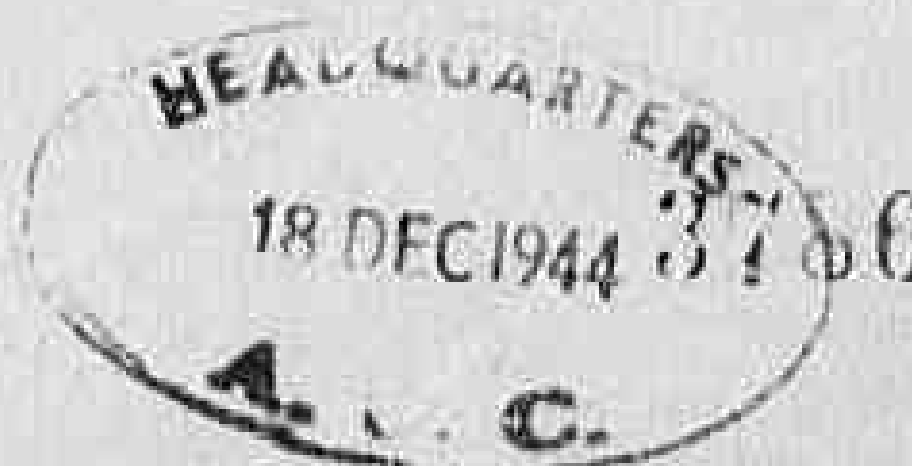
DIST

ACTION : CoS (2)

**INFO : CHIEF COMMISSIONER
CA SEC
FILE (2)
FLCAT**

see 65

RESTRICTED



0157
Declassified E.O. 12356 Section 3.3/NND No. 785017

The Legal Situation
on Transfer of Security
(AFHQ Administrative
Memorandum No. 57, 11
December 1944

91

ALL Tels. 10000/109/586

✓

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(43)

2606

ALLIED FORCE HEADQUARTERS
APO 512

ADMINISTRATIVE MEMORANDUM)

NUMBER

57)

11 Dec 1944
17 DEC 1944

POWERS AND RIGHTS OF ALLIED FORCES IN ITALIAN
GOVERNMENT TERRITORY

1. General

a. It is the policy of the Allied Governments, as military exigencies permit and as the Italian Government is able to take on the responsibility, to hand back to its jurisdiction and administration territory formerly subject to Allied Military Government. In such territory Allied Military Government ceases on the hand-over and the Italian Government assumes the jurisdiction and administration subject to the paramount guidance and control of the Allied Commission.

b. In handing back territory to the Italian Government, certain rights are reserved to the Allied Forces by agreement with the Italian Government. It is necessary that Allied troops in these areas should be aware of the most important of these rights and the manner in which they are to be exercised.

c. For the purposes mentioned herein the territory which may from time to time be included in that handed back to the Italian Government is termed Italian Government Territory. At the present time such territory comprises the Islands of Sicily and Sardinia and all provinces on the mainland south of the northern boundaries of the provinces of Viterbo, Rieti and Teramo with the exception of the commune of Naples which is still under Allied Military Government.

d. It is to be particularly noted that officers of the Allied Commission stationed in Italian Government territory are there to advise and control the Italian Government and one of their most important functions is liaison between Allied Military Formations in their areas and the local Italian administrative officials.

e. It is further particularly to be noted that all but the most routine dealings with the Italian administration must be conducted through the local Allied Commission representative.

48 (N) ✓
2. Requisitioning - The Allied Forces have retained the power to requisition private and public property and services in Italian Government territory but it is emphasized that this must be exercised sparingly and only for reasons of genuine military necessity. This will be exercised through the Italian authorities. If for example it is necessary to requisition a building it should be done through the Sindaco of the town where the building is situated with the assistance of the nearest provincial officer of the Allied Commission. The usual formalities of requisitioning will be followed.

RESTRICTED

RESTRICTED

AFHQ Adm Memo #57 (cont'd)

6. Use of troops in aid of the Civil Power

48 ✓ a. In the event that the local Italian authorities ask for the assistance of Allied troops in quelling civil disturbances, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian authorities and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Furthermore, before rendering such assistance, the local commander will warn the local official requesting his assistance that the territory in question will be liable to be made forthwith an Allied Military Zone. If time permits, the local commander will consult the local Allied Commission officer and seek instructions from his superior commander before giving assistance; in any event, he will inform his superior commander of any request made to him and the action taken thereon without delay.

✓ b. District and Base Section Commanders in disposing of their forces should have regard for contingencies in which it might be necessary to send troops to quell civil disturbances. They should consult the local Allied Commission officer where appropriate in this matter particularly in regard to contemplated troop movements which might prejudice the security of any locality within their area of responsibility.

✓ 48 ✓ 7. Military and Civilian Internees - The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civilian internees in Italian Government territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless, in any particular case, it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all such cases the Local Allied Commission officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Such persons will be detained in 371 PW Camp, or such other place of internment as there may from time to time be designated for that purpose.

✓ 48 ✓ 8. Emergency Action - All action required from the Italian Administration should invariably be sought through the medium of the Allied Commission Regional or Provincial Commissioner, except where an emergency may arise which requires immediate action by the Allied Forces for their protection and security. Where by reason of the emergency immediate action is taken without previous reference to Allied Commission, the appropriate Allied Commission officer will be informed as soon as possible.

By command of General WILSON:

C. W. Christensen
C. W. CHRISTENSEN,
Colonel, AGD,
Acting Adjutant General.

DISTRIBUTION:

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- 3 -

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RESTRICTED

DCM/ar

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ALLIED FORCE HEADQUARTERS
APO 512

ADMINISTRATIVE MEMORANDUM)

NUMBER

57)

11 Dec 1944
17 DEC 1944

POWERS AND RIGHTS OF ALLIED FORCES IN ITALIAN
GOVERNMENT TERRITORY

1. General

a. It is the policy of the Allied Governments, as military exigencies permit and as the Italian Government is able to take on the responsibility, to hand back to its jurisdiction and administration territory formerly subject to Allied Military Government. In such territory Allied Military Government ceases on the hand-over and the Italian Government assumes the jurisdiction and administration subject to the paramount guidance and control of the Allied Commission.

b. In handing back territory to the Italian Government, certain rights are reserved to the Allied Forces by agreement with the Italian Government. It is necessary that Allied troops in those areas should be aware of the most important of these rights and the manner in which they are to be exercised.

c. For the purposes mentioned herein the territory which may from time to time be included in that handed back to the Italian Government is termed Italian Government Territory. At the present time such territory comprises the Islands of Sicily and Sardinia and all provinces on the mainland south of the northern boundaries of the provinces of Viterbo, Rieti and Teramo with the exception of the comune of Naples which is still under Allied Military Government.

d. It is to be particularly noted that officers of the Allied Commission stationed in Italian Government territory are there to advise and control the Italian Government and one of their most important functions is liaison between Allied Military Formations in their areas and the local Italian administrative officials.

e. It is further particularly to be noted that all but the most routine dealings with the Italian administration must be conducted through the local Allied Commission representative.

28 (K)
✓
2. Requisitioning - The Allied Forces have retained the power to requisition private and public property and services in Italian Government territory but it is emphasized that this must be exercised sparingly and only for reasons of genuine military necessity. This will be exercised through the Italian authorities. If for example it is necessary to requisition a building it should be done through the Sindaco of the town where the building is situated with the assistance of the nearest provincial officer of the Allied Commission. The usual formalities of requisitioning will be followed.

RESTRICTED

RESTRICTED

AFHQ Adm Memo #57 (cont'd)

✓ 3. Process in Italian Courts - No members of the Allied Forces, Allied followers of such Forces, or British or U. S. Merchant Seamen will be subject to jurisdiction of Italian Courts.

4. Crimes against Allied Forces

a. In Italian Government territory crimes committed by Italian nationals, will normally be tried under Italian Law and in Italian Courts.

48/5 ✓ b. The Allied Forces however have reserved to themselves the right to hold Allied Military Courts in Italian Government Territory for the trial of Italian nationals who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian penal code. The reservation of this right is not intended however to encourage the trial of Italian offenders by Allied Military Courts but is to enable them to deal with the most serious offences against Allied personnel or property which cannot effectively be dealt with by the Italian Courts.

48/5 ✓ c. The procedure to be followed, if it is desired that an offence should be tried by an Allied Military Court, will be for the military authorities to give a full statement of the facts to the local representative of the Allied Commission with a request that an Allied Military Government Court be convened to hear the charges. It will be the responsibility of Allied Commission to frame the charges and constitute the Court. It is emphasized that only in the most exceptional circumstances will any case in Italian Government Territory be referred to Allied Military Courts and then only on order of Allied Commission.

48/5 ✓ d. Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local Allied Commission officer will be obtained beforehand, except in an emergency when he will be informed immediately after the arrest.

5. Military Zones - The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is as follows:

48/5 ✓ The right is reserved by the Supreme Allied Commander, Mediterranean Theater to declare specific areas of Italian Government Territory to be Military Zones. By the issue of such a declaration, the exercise of the powers of Military Government in the Zone in question is assumed by the Supreme Allied Commander, Mediterranean Theater. Should the situation in any area become such as to convince the District Commander that the establishment of Zones is necessary, he should, after consulting the Allied Commission Regional Commissioner, report accordingly to this Headquarters, giving full reasons to justify his view. The Allied Forces may also re-occupy any part of Italian territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

RESTRICTED

AFHQ Adm Memo #57 (cont'd)

6. Use of troops in aid of the Civil Power

a. In the event that the local Italian authorities ask for the assistance of Allied troops in quelling civil disturbances, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian authorities and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Furthermore, before rendering such assistance, the local commander will warn the local official requesting his assistance that the territory in question will be liable to be made forthwith an Allied Military Zone. If time permits, the local commander will consult the local Allied Commission officer and seek instructions from his superior commander before giving assistance; in any event, he will inform his superior commander of any request made to him and the action taken thereon without delay.

b. District and Base Section Commanders in disposing of their forces should have regard for contingencies in which it might be necessary to send troops to quell civil disturbances. They should consult the local Allied Commission officer where appropriate in this matter particularly in regard to contemplated troop movements which might prejudice the security of any locality within their area of responsibility.

7. Military and Civilian Internees - The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civilian internees in Italian Government territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless, in any particular case, it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all such cases the Local Allied Commission officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Such persons will be detained in 371 PW Camp, or such other place of internment as there may from time to time be designated for that purpose.

8. Emergency Action - All action required from the Italian Administration should invariably be sought through the medium of the Allied Commission Regional or Provincial Commissioner, except where an emergency may arise which requires immediate action by the Allied Forces for their protection and security. Where by reason of the emergency immediate action is taken without previous reference to Allied Commission, the appropriate Allied Commission officer will be informed as soon as possible.

By command of General WILSON:

C. V. Christensen
C. V. CHRISTENSEN,
Colonel, AGD,
Acting Adjutant General.

DISTRIBUTION:

"C"

- 3 -

RESTRICTED

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

ALLIED FORCE HEADQUARTERS
AFO 512

No 427

CLASSIFIED DOCUMENT RECEIPT

14 December 1944

TO: Hq. Allied Commission

Receipt of the following classified documents is hereby acknowledged:

Item	AG File No	Subject or Title	Classification	No. Copies
1.	370.6/107 GCT-0	Local Defense Plans 24 Nov 44	SECRET 23	one #37
2.	370.6/107 GCT-0	Local Defense Plans 27 Nov 44	SECRET 59	one #41
3.	370.6/107 GCT-0	Local Defense Plans 8 Dec 44	SECRET 60	one #37
4.				
5.				

Date of Receipt: _____

Signature of Recipient 3763

RETURN TO AG MISCELLANEOUS

Rank and Organization _____

~~SECRET~~

ALLIED FORCE HEADQUARTERS
APO 512

AF 298

/awm

.....
: ~~SECRET~~ :
:Auth: SAC MT :
:Initials: *MT* :
:8 December 1944 :
:.....:

37

AG 370.6/107 GCT-O

8 December 1944

SUBJECT: Local Defense Plans.

TO : Commander-in-Chief, Allied Armies in Italy.
General Officer Commanding, Number 3 District.
Commanders,
Land Forces Adriatic.
BALKAN Air Force.
President, Allied Commission.
FOR: Land Forces Sub-Commission (MMIA).
Commanding Generals,
Peninsular Base Section, APO 782.
Rome Area Allied Command, APO 794.

1. Paragraph 7 c letter, this headquarters, file and subject as above, dated 27 November 1944, is amended to read as follows:

"c. Only small arms will normally be borne by troops. Commanders are advised that the carrying of automatic weapons by troops in a civil disturbance is most undesirable and will only be allowed in the operational zone where they will be kept to a minimum, and used only as a last resort. Grenades are specifically prohibited."

2. All addressees will acknowledge receipt of this order.

By command of General WILSON:

R. H. Freese
R. H. FRESE,
Captain, AGD,
Asst Adjutant General.

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~~SECRET~~

*23 Dec checked with
Lund Jones sc. then
have 59 + 60.*

3782

~~SECRET~~

AP 193

ADK/rrt

ALLIED FORCE HEADQUARTERS
AFO 512

SECRET
AUTH: SAC, IT
Initials: *20/21*
27 November 1944
27 November 1944

(54)

41

AG 370.6/107 OCT-O

SUBJECT: Local Defense Plans.

TO : Commander-in-Chief, Allied Forces in ITALY
General Officer Commanding:
No. 3 District
Commanders:
Land Forces Adriatic
Balkan Air Force
President, Allied Commission
FOR: Land Forces Sub-Commission (MFA) -
Commanding Generals:
Peninsular Base Section, AFO 762
Rome Area Allied Command, AFO 794

5/5/33
3 Dec 44
Ministry of War

(23)

Reference letter this headquarters, AG 370.6/107 OCT-O, subject "Local Defense Plans", dated 24 September 1944.

1. Two instances of civil disturbances, the Garuso incident in Rome, and the rioting in Palermo, have indicated that additional instructions are necessary to define responsibilities and to specify certain precautions in the employment of armed forces to quell civil disturbances.

2. There are two types of areas in that part of ITALY in rear of the operational zone where civil riots or disturbances may occur; first, those areas which have been turned back to the Italian Government, including the islands of Sicily and Sardinia; and second, those areas still under AMG control.

3. Within areas which have been turned back to the Italian Government, the Italian Government is responsible for the maintenance of law and order. To accomplish this, the Italian local civil authorities have under their control the local Carabinieri. If in the opinion of the local Italian authorities the Carabinieri are unable to deal with the situation, they should appeal to the nearest Italian Military Headquarters for the assistance of such Italian troops as the latter has under its control. If no such Italian troops are available, or if there is still need for additional troops, the Italian civil authorities should request the local District (Base Section) Area or Sub-area commander for assistance. It is essential that close liaison be maintained between District (Base Section) Area and Sub-area headquarters with the local Italian civil authorities and with the local Italian military authorities.

4. Within areas which are still under AMG control, the local AMG authority is responsible for the maintenance of law and order. The local Carabinieri are under the control of AMG for this purpose. Should additional assistance be required, the local AMG authority will appeal to the local District (Base Section) Area or Sub-area commander. It is essential that close liaison exists between the local AMG Commander and the local District (Base Section) Area and Sub-area commanders.

~~SECRET~~

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5. The above responsibilities as outlined apply to civil disturbances. A disturbance in which military personnel are involved is a military responsibility and will be dealt with by the appropriate military authority.

6. Immediate reports will be made through normal channels in all cases of riots or civil disturbances, whether or not it has been necessary to employ Allied troops.

7. In any case where Allied or Italian troops are employed to quell civil disturbances, the following instructions will apply:-

- a. Troops will be moved to the scene of the disturbance with weapons unloaded.
- b. Weapons will be loaded only on command of an officer.
- c. Only small arms will be borne by troops. Specifically prohibited are automatic weapons and grenades.
- d. No smoke, tear gas, or chemicals of any kind will be employed.
- e. No troops will open fire upon rioters except on the express order of an officer.

8. Reference Paragraph 3 of the letter referred to above, addressees will forward to this Headquarters by 7 December 1944 copies of Local Defense Plans. Amendments will be forwarded when applicable.

9. Within the operational zone, AAI will issue such instructions considered necessary to implement the general principles outlined above.

10. All addressees will acknowledge receipt of this order.

By command of General WILSON:

C. W. Christensen
C. W. CHRISTENSEN, C
Colonel, AGD,
Acting Adjutant General.

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

2606

(58)

AS/14602/5/PS

10 Dec 44

My dear Mr Prime Minister,

15
42
DEC 1944

With reference to your letter 19905/14608/1.6.4 of 25 Nov on the employment of Italian troops in aid of the civil power I am discussing the possible modification of the instructions to which you refer with Allied Force Headquarters. I will inform you of the result of the discussion as soon as possible.

Yours very truly,

Is/Ellery W Stone

ELLEERY W. STONE
Commodore, USNR
Chief Commissioner

His Excellency Ivanoe BONOMI
The President of the Council of Ministers
Italian Government
B O N O M I

3720

3 DIS ACT OPERATION INSTRUCTION NO.

Copy No.

AID TO THE CIVIL POWER

GENERAL

7 Dec 44

1. Instances of civil disturbances have indicated that fresh instructions are necessary to define responsibilities and to specify certain precautions in the employment of armed forces to quell civil disturbances. This instruction will cancel Operation Instruction No. 10 of 16 Aug 44 and letter GO/G of 17 Oct 44 (NOT to all).
2. Disturbances may occur in the following two types of areas and procedure varies accordingly:-

- (a) Italian Government Territory (IGT) - those areas including SICILY and SARDINIA which have been turned back to the Italian Government.
- (b) AMG Territory - territory still under AMG control. At present, within 3 District, only Commune of NAPLES is under AMG control.

RESPONSIBILITIES

3. Italian Government Territory. Within areas which have been turned back to the Italian Government, the Italian Government is responsible for the maintenance of law and order. To accomplish this, the Italian local civil authorities have under their control the local Carabinieri. If in the opinion of the local Italian authorities the Carabinieri are unable to deal with the situation, they should apply to the nearest Italian Military Headquarters for the assistance of such Italian troops as the latter has under its control. If no such Italian troops are available, or if there is still need for additional troops, the Italian civil authorities should request the local Area or Sub Area commander for assistance. ~~It is essential that close liaison be maintained between Area and Sub Area commander for assistance.~~ It is essential that close liaison be maintained between Area and Sub Area headquarters with the local Italian civil authorities and with the local Italian military authorities. Except in great emergency Italian troops will NOT be used without prior consultation and agreement of Area/Sub Area commander concerned. Assistance of Allied troops will NOT be given unless Area/Sub Area commander is of the opinion that it is necessary for protection of Allied interests.

4. If a request is made to the local Area or Sub Area commander for the assistance of Allied troops (as mentioned in para 3) the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Should the situation in any area become such as to convince the Area Commander that a specific area in Italian Government Territory should be made a Military Zone he will report to the District Commander.
5. AMG Territory. Within areas which have been turned back to the Italian Government, the Italian Government is responsible for the maintenance of law and order. To accomplish this, the Italian local civil authorities have under their control the local Carabinieri. If in the opinion of the local Italian authorities the Carabinieri are unable to deal with the situation, they should apply to the nearest Italian Military Headquarters for the assistance of such Italian troops as the latter has under its control. If no such Italian troops are available, or if there is still need for additional troops, the Italian civil authorities should request the local Area or Sub Area commander for assistance. ~~It is essential that close liaison be maintained between Area and Sub Area commander for assistance.~~ It is essential that close liaison be maintained between Area and Sub Area headquarters with the local Italian civil authorities and with the local Italian military authorities. Except in great emergency Italian troops will NOT be used without prior consultation and agreement of Area/Sub Area commander concerned. Assistance of Allied troops will NOT be given unless Area/Sub Area commander is of the opinion that it is necessary for protection of Allied interests.

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6. The above responsibilities as outlined apply to civil disturbances. If there is a possibility of troops becoming involved in a purely civil disturbance troops will be recalled and confined to barracks for such time as will ensure that incidents will be avoided. A disturbance in which military personnel are involved is a military responsibility and will be dealt with by the appropriate military authority.

PRECAUTIONS IN USE OF ARMED FORCES

7. In any case where Allied or Italian troops are employed to quell civil disturbances, the following instructions will apply:-

ALL POSSIBLE STEPS TO QUELL THE DISTURBANCE WITHOUT RECOURSE
TO FIRING WILL BE TAKEN

- (a) Troops will be moved to the scene of the disturbance with weapons unloaded.
- (b) Weapons will be loaded only on command of an officer.

- 2 -

- (c) Only small arms will be borne by troops. Specifically prohibited are automatic weapons and grenades.
- (d) No smoke, tear gas, or chemicals of any kind will be employed.
- (e) No troops will open fire upon rioters except on the express order of an officer.
- (f) Shots will not be fired over the heads of the crowd and blank rounds will not be used.
- (g) If it is considered necessary for troops to fire, the minimum number of soldiers will be used and they will concentrate their aim on ringleaders or apparent ringleaders. No indiscriminate fire will take place. All fire will be strictly controlled by an officer. The number of rounds will be limited and firing will cease immediately it becomes effective.
- (h) Women and children will NOT be fired upon.

REPORTS

3. Immediate reports will be made to this HQ by teleprint through normal channels in all cases of riots or civil disturbances, whether or not it has been necessary to employ Allied troops. These immediate reports will be followed by a detailed report at the earliest opportunity.

LIAISON

9. It is essential that closest possible liaison be maintained with Allied Commission officers on all questions affecting relations with Italian Civil Authorities.

ACK

TCS.....071202.....4 hrs

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Lt Col
GS
(OF PARKS)

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Lt Col
GS
(OF PARKS)

TOS.....071202.....A hrs

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* Rome Area please pass one copy to 201 Sub Area for action

HEADQUARTERS ALLIED COMMISS
Political Section

Brigadier Lush,

54
I regret that under the pressure of work I did not send you my comments on your memorandum 2606/303 of 28th November about the question of Allied military intervention at the request of the civil power. Meanwhile Brigadier Upjohn's memorandum came in and in my absence Mr. Schott said that the Political Section had nothing to add to it.

2. I am not altogether satisfied that, as he suggests, the question is primarily a military one. On the contrary, I feel that it has far reaching political implications of which the present tragic situation in Greece is abundant evidence. With the financing and equipping of patriots in the North and the possibility of a German withdrawal from North-west Italy too rapid to allow of Allied troops arriving on the spot within a matter of days or even weeks, I think that it is quite possible that when our Armies do get there they may find themselves faced with a situation not unlike that which exists in Greece today. If the Government then in power in Rome is not based on and not fully in harmony with the CNL in the North, the situation will be further aggravated.

3. I think that a great deal can be done and will have to be done by the Allied military authorities for the protection of Allied interests under the AFHQ directive of 24th September 1944 referred to in paragraph 3 of Brigadier Upjohn's minute. At the same time I anticipate that cases will arise in which no direct Allied military interest is affected and it is on this point that I think it is important that Allied Commanders should receive prior guidance from AFHQ. Given the present divergence of views between the British Government and the United States Government as to the role which the Allies should play in Italian internal affairs, I foresee that it will be difficult to secure agreement. On the other hand, as we are an Allied Command, I think that this is a difficulty which must be faced in advance and my feeling is that the matter should be referred to the Combined Chiefs of Staff. My own personal view, for what it is worth, is that given the long term interests of Great Britain and, I should have thought also of the United States, in the preservation of a non-Communist Italy and at least the avoidance of chaos, is that Allied Commanders should have orders to take whatever steps may be necessary to preserve law and order and to get the authority of the recognised Government to whatever extent the forces at their disposal may permit.

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7.12.44

afy

A/V President
Political Section

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

2606
Phone 301 (53)

HEADQUARTERS ALLIED COMMISSION
ESTABLISHMENT SECTION
APO 394

Ref/161/Est

NEF/mrd
4 December 1944

5 DEC 1944

Memo:

To : Chief of Staff, Allied Commission

Reference 2606/COS of 28 Nov 44.

1. It is my view that a proper request from the Italian Government for Allied intervention should be acceded to only if the disturbance or disorder endangers allied personnel, allied property, or installations, whether allied or Italian, which would have adverse effect upon the prosecution of the war.

2. The measure to be adopted in the event that such a request is acceded to, is the reinstitution of Allied Military Government in the political subdivision or subdivisions effected, that is to say, province, commune or governorate.

2
NORMAN E. FISKE
Colonel
Deputy Chief of Staff

3776

2606
LDD/es

1 December 1944

4 DEC 1944

1.21/ES
SUBJECT: Intervention by the Allied Commission at the Request of the Italian Government.

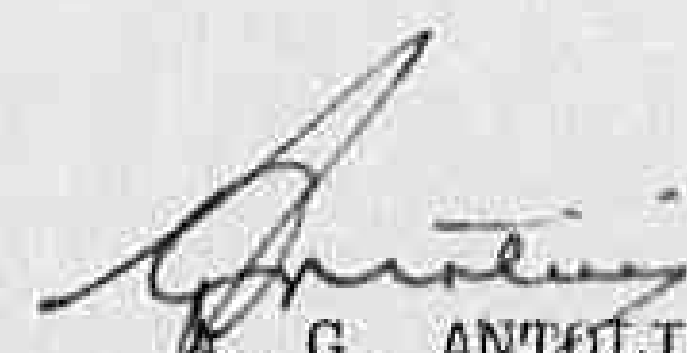
TO : Chief of Staff.

1. Reference is made to your letter, Ref. 2606/COS, 28 November, above subject.

2. Since the Allied Commission does not have any police troops at its disposal, it would seem that in the event Italian authorities should ask for the assistance of Allied troops in quelling civil disturbances that the provision of Administrative Instruction No. 48, HQ AAI, 8 August 1944 would apply. These instructions provide that if request is made the local commander will point out that the quelling of civil riots or disturbances is a matter for the Italian administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied military zone.

3. It is possible that the above instructions have been superseded by something from AFHQ.

4. In any event, due to lack of police facilities on the part of the Commission, it would seem that where intervention is necessary, it should be carried out along the lines provided for in above AAI memorandum.

NFA

A. G. ANTOLINI
Acting Deputy Chief of Staff
Economic Section

3775

2606
49
CONFIDENTIAL
SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. 4/35.2/CA

2nd December, 1944.

SUBJECT: Intervention by the Allied Commission
at the request of the Italian Government.

2 DEC 1944

TO : Chief of Staff. ✓

1. Reference your 2606/COS dated 28th November, 1944, I think a restatement should be made of the principles and problems involved in the declaration of military zones.

This paper is only concerned with the question of a declaration of a military zone where it has become necessary or desirable by reason of some civil disorder involving the rendering of military aid, and not with the declaration of a military zone for purely operational reasons.

2. Where a civil disorder has led the local authorities to ask for Allied military assistance to quell the disorder three distinct problems have to be faced:

- (a) It is for the local Allied Military Commander to decide whether to call out the military forces in aid of the civil power.
- (b) It is then a matter for SACMED, or the persons duly authorised by him to decide whether to constitute a military zone.
- (c) It is then a matter for decision as to what form of military control should be instituted in the military zone.

3. As to para 2(a), the problem is a difficult one and I do not believe it is possible to formulate with great precision the principles on which the local Military Commander should be guided in giving assistance. Each set of circumstances must be judged as it arises and the decision must be at the discretion of the Military Commander. It has been laid down by AFHQ in a recent directive dated 24th September, 1944 (see 2606/COS folio 23 para 2(b)) that assistance should only be given if the local Commander is of the opinion that it is necessary for the protection of Allied military interests, but I doubt whether this is a comprehensive guide as a few examples will show.

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For instance, if there is a riot, even a serious one, in Catanzaro there would be no real threat to our military interests, but it might be desirable (assuming Allied forces in sufficient numbers to be available in Catanzaro) to render assistance in aid of the civil power to prevent widespread loss of life and breakdown of the local civilian administration, or a possible spread of the trouble. Contrasted with this a very minor riot in the port of Bari might render it necessary for the local Commander to render assistance in order to secure an uninterrupted flow of military supplies to armies in the north.

I think it is easy to over-estimate the importance of disorder in Rome which is of little significance in the purely military sense. In Rome, it appears that the governing factor must be the desirability of leaving the Italian Government to deal with its own problems to the maximum possible extent, but it may be necessary to render military assistance to avert serious loss of civilian life or destruction on a widespread scale. For instance if a large Communist meeting on the Palatine Hill leads to such grave disturbances as to give rise to a serious probability that there will be grave loss of civilian life and destruction of property, immediate interference by the military might be essential

- 2 -

even though there was no real apprehension as to the safety of the Allied troops. On the other hand a riot of a few hundred prisoners in the Regina Coeli Prison constitutes no threat to military security (now that security internees have been removed) and probably we should not interfere with such a riot until the Italian Government have shown themselves so incapable of dealing with it as to lead to disorders in other parts of the city.

To sum up, it merits consideration as to whether the local Military Commander ought to accede to a request to lend military assistance if in the circumstances of any particular case:

- (a) Allied military interests will be directly affected, or
- (b) where it is necessary to prevent widespread loss of civilian life and damage to property with the possibility of a serious breakdown of civilian administration in any area.

4. (a) As to para 2 (b) above, SACRED has under various agreements with the Italian Government ample power to declare military zones whenever he deems it desirable to do so, and down to the present the attitude has always been taken that the rendering of military assistance in aid of the civil power will always be followed by the declaration of a military zone (see 2606/COS folio 2 para 7, folio 18 para 7, folio 23 para 2(b)), but I think that this proposition requires reconsideration.

There is no legal or other principle which requires the giving of military assistance to be followed by the declaration of a military zone and though it may be a useful threat to hang over the head of the Government that the one will follow the other, it may not always be desirable to do so. For instance if troops are called out to quell a riot in Catanzaro, where I am assuming we have no military interest, there may well be no need as a matter of military necessity to establish a military zone.

Even where we have a direct military interest as in the port of Bari, there may be no need as a matter of military necessity to declare a military zone unless it is believed that a withdrawal of military aid will give rise to an immediate recurrence of the trouble or unless it is necessary for the reorganisation of the area in the interests of our military installations.

To sum up, from a purely military angle it does not appear to be possible to lay down any principles upon which the declaration of a military zone should follow the giving of military aid, and each case as it arises must be judged on its own merits by those responsible.

(b) The above sub-paragraph does not take into consideration the political

Italian Government ample power to declare military zones whenever he deems it desirable to do so, and down to the present the attitude has always been taken that the rendering of military assistance in aid of the civil power will always be followed by the declaration of a military zone (see 2606/COS folio 2 para 7, folio 18 para 7, folio 23 para 2(b)), but I think that this proposition requires reconsideration.

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To sum up, from a purely military angle it does not appear to be possible to lay down any principles upon which the declaration of a military zone should follow the giving of military aid, and each case as it arises must be judged on its own merits by those responsible.

(b) The above sub-paragraph does not take into consideration the political standpoint, but has dealt with the problem solely as a matter of military necessity.

As I have pointed out above we have always threatened that the giving of military aid would be followed by the declaration of a military zone, but if purely military considerations do not demand such a declaration there seems no compelling reason why political considerations should do so. It is our policy to support the Italian Government and the declaration of a military zone in Rome might have very serious repercussions on that Government. On the other hand the declaration of a military zone in Catanzaro if not necessary for military reasons would not, I suspect, affect the prestige of the Government in any way, and there would seem to be no good reason for declaring such a zone.

To sum up, it seems to me that the question as to whether or not the giving of military assistance should be followed by the declaration of a military zone can only be decided on the merits of each particular case.

5. As to para 2 (c) above, if it is decided to declare any area to be a military zone then the Allied authorities can impose any form of military control from the assumption of mere police duties up to complete A.M.G. It is my view that where a military zone is created A.M.G. should temporarily be

fully imposed and it can be partially relaxed as may seem desirable after quite a short period, even as short as 24 hours. The Legal Sub-Commission has prepared a draft form of Proclamation which seems to me to be appropriate to meet any likely circumstance, and a copy is attached.

With regard to the area to be declared such a zone, I have carefully considered your suggestion that a particular building such as the Regina Coeli Prison should be declared a military zone. The suggestion is, if I may respectfully say so, ingenious, but I doubt if it is sound. If trouble occurs in one building only it would seem more appropriate to give military assistance and then to withdraw without declaring a military zone rather than take over a particular building. If the Government are incapable of running one establishment they must be so weak that it would appear desirable to take over a much larger area of their administration. Furthermore, there would be a real danger that the Government would fail in the first place to take adequate steps to deal with the problem if they realised that we were willing to take over small trouble spots and relieve them of their responsibilities in respect thereof, and it must be borne in mind that the taking over of a prison, even in Rome, would not, I think, embarrass the prestige of the Government unduly.

To sum up, I think that for administrative reasons it would be unwise to take over anything less than an administrative sub-division of the country, e.g. a province or, as in Naples, a commune. Col. Chapman informs me from practical experience that he thinks we should soon get into difficulties if we adopt anything less than an administrative sub-division of the country.

6. In my opinion the whole problem requires review and I trust that this paper - which has the concurrence of the Directors of the Legal and Public Safety Sub-Commissions - may point out in greater detail than has hitherto been done the problems and difficulties that arise. My own view is that it is impossible to lay down beforehand any clear cut principles, except in the rather general way which I have done above. Each case as it arises must be judged in the light of all the circumstances, i.e. military interests, the locality, strength and character of the disorder, and finally the position, attitude and actions of the Government in the matter.

G.R. Upjohn

G.R. UPJOHN, Brig.,
VF CA Section.
DCOS.

To sum up, I think that for administrative reasons it would be unwise to take over anything less than an administrative sub-division of the country, e.g. a province or, as in Naples, a comune. Col. Chapman informs me from practical experience that he thinks we should soon get into difficulties if we adopt anything less than an administrative sub-division of the country.

6. In my opinion the whole problem requires review and I trust that this paper - which has the concurrence of the Directors of the Legal and Public Safety Sub-Commissions - may point out in greater detail than has hitherto been done the problems and difficulties that arise. My own view is that it is impossible to lay down beforehand any clear cut principles, except in the rather general way which I have done above. Each case as it arises must be judged in the light of all the circumstances, i.e. military interests, the locality, strength and character of the disorder, and finally the position, attitude and actions of the Government in the matter.

G.R. Upjohn

G.R. UPJOHN, Brig.,
VP CA Section.
DOOS.

Encl. Draft Proclamation.

Copy to: Political Section.
Legal Sub-Commission.
Public Safety Sub-Commission.

3772

PROCLAMATION

Whereas it is necessary to establish and maintain law and order in the area of

Now, therefore, I HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., Field Marshal, hereby proclaim as follows:-

ART. 1

The said area is hereby established as a Military Zone and is hereinafter called "The Military Zone".

ART. 2

All powers of Government and jurisdiction and final administrative responsibility in the Military Zone are vested in me as Supreme Allied Commander Mediterranean Theatre of Operations and Governor of the Military Zone, and shall be exercised under the direction of such Deputy Governor as I may appoint.

ART. 3

All state, provincial or other public officials or employees shall continue in their present duties as officials or employees under the orders of the Deputy Governor unless dismissed by him.

ART. 4

Any person who:

- 1) Violates or has violated any provision of Italian Law.
- 2) Violates any rule order or regulation governing the

ART. 1

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ART. 2

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ART. 3

All state, provincial or other public officials or employees shall continue in their present duties as officials or employees under the orders of the Deputy Governor unless dismissed by him.

ART. 4

Any person who:

- 1) Violates or has violated any provision of Italian Law.
- 2) Violates any rule order or regulation governing the administration of the Military Zone or any inhabitants thereof.
- 3) Disobeys any order given under the authority of the Allied Forces or the Deputy Governor.
- 4) Takes part in any demonstration or assembly not authorised by the Deputy Governor.
- 5) Does any act to the prejudice of good order of the Military Zone.
- 6) Does any act to the prejudice of the safety or security of the Allied Forces or any member thereof.
- 7) Conspires or attempts to commit, or assists or procures the commission of any act hereby constituted an offence.

Shall be guilty of an offence and shall upon conviction by a Military Court

be liable to punishment by death or by imprisonment or fine or both as the Court may determine and in respect of any offence under sub para 1 above the punishment which may be imposed shall not be limited to such punishment as may be prescribed for such offence by Italian law.

ART. 5

Military Courts, which shall be General Superior or Summary Military Courts, are hereby established and shall have such jurisdiction as shall be conferred upon them respectively.

ART. 6

- a) Any person convicted by a Military Court may within 14 days of conviction present to the office of the Deputy Governor a Petition for Review of conviction or sentence.
- b) No sentence of death shall be executed unless or until confirmed in writing by me or by an officer expressly authorized in that behalf by me in writing.

ART. 7

This Proclamation shall come into effect throughout the Military Zone upon its first publication therein.

HAROLD R. L. G. ALEXANDER
Field Marshal
SUPREME ALLIED COMMANDER MEDITERRANEAN THEATRE
OF OPERATIONS

DATED:

- b) No sentence of death shall be executed unless or until confirmed in writing by me or by an officer expressly authorized in that behalf by me in writing.

ART. 7

This Proclamation shall come into effect throughout the Military Zone upon its first publication therein.

DATED:

HAROLD R. L. G. ALEXANDER
Field Marshal
SUPREME ALLIED COMMANDER MEDITERRANEAN THEATRE
OF OPERATIONS

3770

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

785017

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

HEADQUARTERS ALLIED COMMISSION
APO 334
Office of the Chief of Staff

Ref: 2606/COS.

23 Nov 1944.

SUBJECT: Intervention by the Allied Commission at the request
of the Italian Government.

TO : DOD, Est Sec -
DOD, OA Sec -
DOD, Acct Sec -
VP, Pol Sec

I refer to para 6 of the minutes of the Chief of Staff's meeting
of 24 November. The points which were discussed at that meeting, and on
which I should like your views in writing, are as follows:-

- (a) If a proper request from the Italian Government for the
intervention of the Allied Commission is received, should
we accede to this request?
- (b) If it were agreed to accede to the request, what measures
should be adopted?

HSN7'S W

REL/JG.

Brigadier,
Chief of Staff.

3769

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

Ext: 300

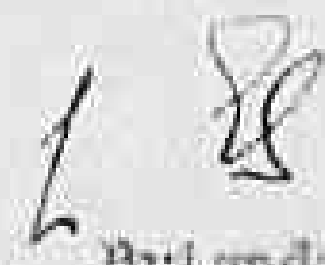
Ref: 2606/43/CMS

27 November 1944

SUBJECT: Employment of Italian Troops in aid of Civil Power.
TO : DCS Civil Affairs Section.

1. I forward to you original and translation of a letter from the Prime Minister to the Chief Commissioner, reference 1905/14008/1.6.4 dated 25 November 1944, on the subject of employment of Italian troops in aid of the civil power. 42

2. Would you please prepare a reply for the signature of the Chief Commissioner.


Brigadier,
Chief of Staff.

Encls: 2.

Copy to: 30 to 30.

3768

Translation

The President of the Council of Ministers
19905/14038/1.6.4

Rome, 29 November 1944.

Dear Commodore,

I have just heard about a regulation recently issued by the Allied Authorities about the employment of Italian troops for services of public order.

According to these regulations, the Italian administrative authorities which should have to make use of the troops besides the police forces and the carabinieri, should obtain through A.C. the previous approval of the competent Area Command.

For instance, this would mean that if the Italian authorities of Sicily needed an immediate intervention, they would first have to inform the Regional Commissioner of Messico of their intentions; the Regional Commissioner would inform the Command of the Sub-area in Catania, which would have to inform Palermo of its agreement according to the requirements of the situation. This exchange of communications which should have to take place through a net of liaison would not always correspond to the needs.

It seems that this wouldn't correspond to the timely execution of measures for which rapidity is an essential condition of success.

Besides pointing out the deficiencies of this system from the practical point of view, I also want to stress the fact that it would deprive the Italian authorities of their responsibility for the maintenance of public order since the powers were given back to them - of one of the most important instruments they have at their disposal to cope with their responsibility.

I shall be most grateful, my dear Commodore, if you will re-examine this regulation, taking my observations in consideration.

I remain,

Yours sincerely,

/s/ I. Bonomi

Commodore Hilary W. Stone
Chief Commissioner of the Allied Commission
R o m e

trans. R.C.

3767

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

~~SECRET~~

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5; 370.6-1

27 October 1944.

SUBJECT: Local Defense Plans.

TO : Headquarters, Allied Control Commission, APO 374.

1. Under date of 3 October 1944. (Ref 2606/6/COS) you requested confirmation respecting the policy set forth in AG 370.6/07 GCT-6 of 24 September 1944 with regard to the establishment of Military Zones in the event of civil disturbances.

2. It is intended that in the event that a military zone is established a status similar to that which existed at the time of the original occupation of the territory by Allied troops will be created. The Military Commander of the area in which the Military Zone is located, will become the Deputy Military Governor of the Zone as SACMED's delegate. The Deputy Military Governor will ordinarily delegate his powers and responsibilities with respect to Civil Affairs to a Senior Civil Affairs officer who will perform his functions under the technical direction of the ACC, which will also furnish civil affairs personnel as it now does for the Military Government of Allied Occupied Italy.

CONFIDENTIAL

CHARLES M. SPOFFORD,
Brigadier General, G.S.C.,
Assistant Chief of Staff, G-5.

*Original copy of this letter filed on
A Files*

PA 3706

SECRET

~~SECRET~~

WWS/sjp

39

CONFIDENTIAL

Ref 2606/39/COS

1 November 1944

SUBJECT: Powers and Rights in Italian Government Territory

TO : G-5 Section, Allied Force Headquarters

1. From the Regional Commissioner, Sicily Region, I have received the attached copy of letter dated 17 October 44, sent to him by 3 District Commander. I would draw your attention to Paras 2 and 3 of this letter, in which it is laid down that in quelling civil disturbances not directly affecting Allied interests Italian troops will not, except in grave emergency, be employed without prior reference through the Allied Commission to the Allied Area Commander.

2. In AAI Administrative Instructions No. 48, para 7, it is stated that "the quelling of civilian riots or disturbances is a matter for the Italian Administration and he (the local Allied Commander) will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests".

3. The possibility of the employment of Italian troops is not specifically mentioned in Administrative Instructions No. 48, and it would appear that a procedure for this contingency should be established.

4. However, the channel for permission to use them, as laid down by 3 District, would, I suggest, in some instances delay their employment to a considerable extent. For example, a demand for Italian troops from a Province in the interior of Sicily administered from Palermo would have to pass to the latter and from there to Catania, HQ of the Sub Area Commander, and of course, follow the same route back. Having regard to the length and slowness of communications, a considerable period would elapse before consent could be obtained, by which time damage and casualties might have occurred.

5. It is suggested that where Italian troops are disposed in Italian Government Territory, the Italian authorities should have liberty of action in the event of a civil disturbance, provided that Allied interests are not directly involved.

6. It is for consideration however if it would not be advisable to prescribe ^{rules} and limit the armament of troops so employed.

7. The foregoing does not arise out of the recent incident in Sicily, as you will see by the date of the letter from 3 District, but the occasion does give point to the foregoing proposal. Will you kindly raise the matter and let me know your conclusions.

(SCD) KILGERY W. STONE

KILGERY W. STONE
Commodore, USNR

Acting Chief Commissioner

Dispatched 2 Nov 44

1 Incl:

As in para 1 above.

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

Copies to:

Civil Affairs Section
Sicily Region
3 District
Land Forces Sub-Commission

3764

2406 C.S. 38
1580
ALLIED CONTROL COMMISSION
SICILIA REGION HEADQUARTERS
28 OCT 1944

CONFIDENTIAL

24 Oct 1944

28 OCT Recd

FILE:RC/000.5

SUBJECT: Aid to the civil power

TO : M.A. A.C.C. Rome

COPY TO: 70 Sub Area
No.3 District

HEADQUARTERS
27 OCT 1944
A.C.C.

1. With reference to enclosed copy of No.3 District letter 69/9 of 17 OCT, I have the following observations to make.

2. As regards para 3 of enclosed letter:-

a. The procedure under which A.C.C. and subsequently the Area Commander must be consulted, except in grave emergency, before Italian troops are employed in aid of the civil power is not covered by your 125/66/CA of 18 AUG 44 (forwarding A.A.I. Administrative Instruction N. 48 of 8 AUG 44) which deals only with the use of Allied troops. In fact, your instructions imply that the employment of Italian troops in such cases is a matter solely for the Italian authorities.

b. I am unaware whether the procedure laid down in para 3 of attached letter has been agreed with your Headquarters and with the Italian government. If agreed with your Headquarters I cannot trace having received any instructions in the matter.

c. It is not clear in para 3 whether the Italian authorities referred to are "the civil authorities" or "the military authorities". If reference is made to the civil authorities they have, so far as I know, received no instructions in the matter. If the military authorities are referred to it would be necessary for the civil authorities to be informed so that they are aware that there may be considerable delay before troops become available.

d. It seems to me that the procedure laid down might work in Regions where there was a full A.C.C. or A.M.S. organisation. In SICILIA Region there are A.C.C. Headquarters only in the cities of PALERMO and CATANIA. This must mean, for instance, that in the case of a Province (which does not come under A.C.C. Provincial Headquarters CATANIA) in the interior of the Island a message must be sent by the local authorities to PALERMO, where the

37
local authorities must consult with this Headquarters after which this Headquarters must get into touch with the sub Area Commander at CATANIA. The permission to employ troops must then be given through the same channels in the reverse direction.

2. Reference to Regional Headquarters would in almost every case be merely a formal matter because this region has no Public Safety officers in the provinces and, as explained above, practically no Provincial Officers. Generally speaking, therefore, this Headquarters could not be in a position to express an opinion as to whether or not troops should be called out.

3. So far as this region is concerned, I consider that the employment of Italian troops on duties in aid of the civil power should be the responsibility of the Italian authorities and that no good purpose can be served by consultation with A.S.C. Having regard to A.S.C. strength here and the difficulty and length of communications. What I consider, however, to be of very great importance is that the method of employment and the armament of Italian troops called out on duties in aid of the civil power should be carefully determined and laid down by the appropriate authorities.

4. I request, therefore, that this matter should be taken up with the military authorities with a view to clarification or reconsideration. If the procedure laid down in para 3 of the enclosed letter is to hold good, I request that this Headquarters and all Italian authorities concerned may receive the necessary instructions.

5. I would point out that the above question did not arise directly out of the serious incident at P.L.M. on 19 OCT, when Italian troops were employed in aid of the civil power; as No. 3 District letter enclosed is dated 17 OCT and was received at this Headquarters on the 21 OCT.

Can urgent consideration be given to this matter please?

M Carr Brydell

M. CARR
Brigadier
Regional Commissioner

1 Encl- copy of letter, Lt Col Warner to SICILY REGION ACC
69/C 17 OCT 44 re Aid to the Civil Power.

3762

COPY

SUBJECT: Aid to the civil power

CONFIDENTIAL

3 District

17 Oct 44

17 Oct 44

Under authority of JCS JMW Instr No 48 dated 2 Aug 44, (which has been subsequently endorsed by JMW letter JC 370.6/107 JCS-0 dated 24 Sep 44), this HQ issued operation instruction No 10, "Aid to the civil power" (copies attached for IAGP and ARVN/MAJOR Regions JCS).

1. Area/pub area/cra commanders will ensure that their liaison with JCS zone commissioners (regional in groups) is such that they receive early information of any civil disturbances, should they arise.

2. While the quelling of civil disturbances, which do NOT directly affect Allied interests, is a matter for Italian administrative authorities, it will be borne in mind that the latter will normally only dispose of police and JCS HQ for the purpose. Area defense schemes will be drawn up in the light of this.

3. Where as in SICILY and CALABRIA the Italian authorities do dispose of troops, such will NOT, except in grave emergency, be employed without prior reference through JCS to the Area commander, who will be kept fully informed of all incidents and actions taken.

4. Areas will forward full reports of all civil disturbances to this HQ, although Allied action may not have been called for.

/s/ E.P. Warner

/t/ Lt Col

C E

(M Warner)

EPW/MI

3761

COPY

JA thru

24 18 OCT Recd

4 G-5 G-3 14 Oct.
1944.

1. The ACC letter of 3 October 1944 requests confirmation respecting the policy set forth in AG 370.6/107 OCT-0 of 24 September 1944 with regard to the establishment of Military Zones in the event of civil disturbances. 24

2. It is believed that in the event that a Military Zone is established that the Military Commander of the area in which the Military Zone is located should become the Deputy Military Governor of the Zone as SACMED's delegate. The Deputy Military Governor should be instructed to delegate his powers and responsibilities with respect to Civil Affairs to a Senior Civil Affairs Officer who will perform his functions under the technical direction of the ACC, which will also furnish civil affairs personnel.

3. It is believed that the above plan is in accordance with Minutes 1 and 2.

4. Your concurrence is requested in principle to a reply to ACC letter of 3 October 1944 in accordance with the plan proposed in Paragraph 2.

CHARLES M. SPOFFORD.
Brigadier-General, G.S.C.,
Assistant Chief of Staff, G-5.

CMS/AMB/NSW.

Handed to COS by Lt Col Mitchell 95.

L

3700

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Office of the A/Chief Commissioner.

Ref: 2666/6/809.

3rd October, 1944.

SUBJECT: Power and Rights on Italian Govt. Territory.

TO : G-5 Section, A.F.E.G.

1. I refer to letter AG 370.6/107 OCT-0 of 24th September 1944 regarding policy in relation to military zones and employment of Allied troops to quell civil disturbances.

2. Should the necessity arise and Military Government be re-imposed, I presume that the S.A.C. would expect the Allied Control Commission to be responsible for the exercise of such civilian powers that are re-assumed and that the local Military Commander would only be responsible to the S.A.C. for all matters concerning the military occupation apart from civil affairs and would not be considered as the representative of the Military Government. May I have your confirmation on this point.

(Sgd) M.S. LUSH,
Brigadier,

for ELLERY W. STONE,
Captain, USMC
Acting Chief Commissioner.

3759

PA.

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

~~SECRET~~

NO ARC, APO 394

442 30/9/44
BY U.K.E.

4/35A/AS

30 Sept., '44.

CONFIDENTIAL
A.O.C. Read

Dear Captain Stone,

Presumably in accordance with existing practise
SACMED will expect his Civil Affairs Branch (and therefore A.C.C.)
to be responsible for the exercise of such civilian powers as we may
reassume.

G. R. Upjohn

G.R. UPJOHN. Brigadier.
V.F. Admin. Section.

Captain Ellery W. Stone, USNR,
Acting Chief Commissioner,
H.Q. Allied Control Commission.

↓

C05

See 29
3758

This should be put to SACMED
for clarification of their directive of
24 Sept. Gen Brown believes he would be the Mil. Cont. officer.
nos 1715

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

Bing up John
Noted. But
who administers
That degree of
Mil. Govt. which
it is decided to
impose - The local
Commander or
The A.C.C. officer?
Star

L
9
26

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
A.P.O. 394

SECRET

376

25/9 - 1005

by ATB

25th Sept., '44.

4 OCT 1944

Dear Captain Stone,

Thank you for your letter of the 24th September on the construction of Admin. Instruction No. 40 of 8th August, '44.

You will appreciate that this Instruction is purely a directive issued by C. in C. to his own officers and is not the governing document as between the Allied Authorities and the Italian Government.

The rights of the Allies are contained in Article 9 of Document "A" which reads as following:-

"The right to reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war."

The position may be summed up I think as follows. In his Admin instruction he lays down one instance (use of troops in aid of the civil power) in which the powers conferred by Article 9 of Document "A" are to be invoked.

Accordingly to circumstances we might lay down in the area any degree of military government that we choose, i.e. from complete A.M.G. to the issue of ordinances dealing mainly with policing, hours of curfew and other law and order regulations leaving the whole of the remaining administration in the hands of the Italian administration.

G. R. H. hpr

G. R. UNION. Brigadier
V.P. Admin. Section.

Captain Ellery W. Stone, USNR,
Acting Chief Commissioner,
H.Q. Allied Control Commission.

Lu 28

1415

~~SECRET~~
HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

EMS/hd **26**

24 September 1944

5 SEP 1944

Dear Brigadier Upjohn:

1. I would be grateful if you could elucidate a point which is not clear to me.

2. Administrative Instruction No. 48 of 8 August 1944 - AAI/3064/A(O) - states in para 7:

"Use of Troops in Aid of the Civil Power.

"It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances.

"If such a request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local ACC officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay."

3. Para 5 of the same Administrative Instruction says:

"Military Zones.

"The right is reserved by the Commander-in-Chief to declare specific areas in Italian Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AAI giving full reasons to justify his **3756**

brigadier G. R. Upjohn
Vice President
Administrative Section

~~SECRET~~
See 27428
1654

~~SECRET~~

25

views. The Allied Forces may also re-occupy any part of Italian territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders."

4. Now, I am clear from para 7 that with the calling out of Allied troops the territory in question is made forthwith an Allied Military Zone. When an area is declared a Military Zone, I would have expected the resumption of military government to be implied in the declaration, but para 5 quoted above does not make this quite clear. It says "the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief."

5. In short, may we take it that the Commander-in-Chief is certain to exercise this right, or is it possible that we may find ourselves in the ambiguous position of having declared an area an Allied Military Zone, yet not exercising Allied Military Government within it?

Ellen M. Stone

ELLEN M. STONE
Captain, USNR
Acting Chief Commissioner

cc: *Executive Commissioner*

3755

~~SECRET~~

1654

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

54 222

Hq ACC - Sec'y Gen.
DISPATCHED
Date Time 24 SEP 1944 1640
Via 252
Initials CH

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

Folio 24
(duplicate of 23)
delivered to Sgt
Stanfield, after of cc
25 Nov 44

25/n

[Signature] cc

~~TOP SECRET~~ ¹²⁵

CAB

14

COPY-NO - RHF:sl

B-1316

~~TOP SECRET~~

ALLIED FORCE HEADQUARTERS
APO 512

.....
: ~~TOP SECRET~~ :
:Auth: SAC MT :
:Initials: RNF :
: 24 September 1944 :
:.....: 24 September 1944

AG 370.6/107 GCT-0

SUBJECT: Local Defense Plans

TO : Commander-in-Chief, Allied Armies in ITALY
General Officer Commanding:

No. 2 District
No. 3 District
Land Forces Adriatic

Commanders:

Balkan Air Force
Headquarters, LMIA (FOR: Army Sub-Commission)

Deputy President, Allied Control Commission
Commanding Generals:

SOS NATOUSA, APO 750
Rome Allied Area Command, APO 794

26 SEP Recd

1. Your attention is invited to the recent incident in ROME, where a witness before a trial court was seized and lynched by a mob, which indicates the possible inability of the local police forces to cope with such situations. During the present stage of events, there is the ever present possibility of other local uprisings and disorders.

2. The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is as follows:

a. The right is reserved by the Supreme Allied Commander, Mediterranean Theater to declare specific areas in ITALIAN Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Supreme Allied Commander, Mediterranean Theater. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to this headquarters, giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

b. It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances. If such a request is made, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the

~~TOP SECRET~~

~~TOP SECRET~~

Copy To CSO

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

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TOP SECRET

B-1316

Ltr, AFHQ, AG 370.6/107 GCT-O, dtd 24 September 1944

protection of Allied military interests. Furthermore, before rendering such assistance, the local commander will warn the local official, requesting his assistance that the territory in question will be liable to be made forthwith an Allied Military Zone. If time permits, the local commander will consult the local AGC officer and seek instructions from his superior commander before giving assistance; in any event, he will inform his superior commander of any request made to him and the action taken thereon without delay.

3. Commanders concerned are responsible for the preparation of local defense schemes for the protection of Allied government property and to insure the security and efficiency of the Lines of Communication.

By command of General WILSON:

A. C. Hahn

A. C. HAHN
Colonel, AGC
Asst Adjutant General

DISTRIBUTION:

- 2 - en addressee
- 1 - MA&F
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- 1 - CAO
- 1 - IS & FS
- 1 - USPOLAD
- 1 - Br Res Min
- 1 - PNC Nato
- 2 - AG Records AF
- 1 - AG M&D

~~TOP SECRET~~

TOP SECRET

0206
SECRET

ADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APG 394

22
EWS/nd

24 September 1944

25 SEP 1944

Dear Brigadier Upjohn:

1. I would be grateful if you could elucidate a point which is not clear to me.
2. Administrative Instruction No. 48 of 8 August 1944 - AAI/3064/
A(O) - states in para 7:

"Use of Troops in Aid of the Civil Power.

"It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances.

"If such a request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local ACC officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay."

3. Para 5 of the same Administrative Instruction says:

"Military Zones.

11/2/45
"The right is reserved by the Commander-in-Chief to declare specific areas in Italian Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AAI giving full reasons to justify his

Brigadier G. R. Upjohn
President
Administrative Section

SECRET

11/43753

~~SECRET~~

CONFIDENTIAL 21

views. The Allied Forces may also re-occupy any part of Italian territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders."

4. Now, I am clear from para 7 that with the calling out of Allied troops the territory in question is made forthwith an Allied Military Zone. When an area is declared a Military Zone, I would have expected the resumption of military government to be implied in the declaration, but para 5 quoted above does not make this quite clear. It says "the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief."

5. In short, may we take it that the Commander-in-Chief is certain to exercise this right, or is it possible that we may find ourselves in the ambiguous position of having declared an area an Allied Military Zone, yet not exercising Allied Military Government within it?

ELERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: Executive Commissioner -

36 122

Hq. ACC. Sec'y Gen.
DISPATCHED
Date - Time 24 SEP 1944 1640
Via <u>Asgn.</u>
Initials <u>ON.</u> 3752

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

CONFIDENTIAL
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

SECRET

Phone:
478201

Ref/125/66/CA.

18 August 1944.

SUBJECT: Powers and Rights of Allied Forces and
Allied Military Government in Unoccupied Italy.

TO : Distribution below.

1. Attached hereto is copy of AAI Administrative Instruction
No. 48 dated 6 August 1944.
2. This supersedes our letter 125/18/CA dated 23 March 1944.

5
31.1.44
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

DISTRIBUTION:

Group 2 & List "C".

3751

Col Shipp

1. Ref Adm Instr No 48 (125) this checks with our draft except for para 10 where the wording is shorter but the sense the same.
2. There are ten spare copies. Last distn of similar document was all Regions, SCAs + others on list "C." (Sub commission etc).

10/8/44

Sh

Ex Comm:

AAH have issued the new Adm. Instr. on handover of territory

2. You will see they have considerably shortened your final para, but I warned you of this and you agreed to let it go.

3. Shall we now distribute ³⁷⁵⁰ as then before?

See by to Com 10/8
p. 4 1/2

18

125
CONFIDENTIAL

SECRET

HQ., ALLIED ARMIES IN ITALY

AAI/3064/A(O)

see 58

8 AUG 44

10 AUG Recd

ADMINISTRATIVE INSTRUCTION NO. 48

POWERS AND RIGHTS OF ALLIED FORCES AND ALLIED MILITARY GOVERNMENT IN
UNOCCUPIED ITALY

This instruction supersedes Administrative Instruction No. 6, reference
AAI/3064/A(O) dated 15 Mar 44.

1. Definition

For the purposes of this instruction the term "Italian Government Territory" refers to territory forming part of ITALY, SICILY and adjacent islands handed over to ITALIAN Government and jurisdiction, subject to the guidance and instruction of the Allied Control Commission under the Chief Commissioner acting for the Commander-in-Chief, A.A.I.

2. General.

The object of this instruction is to clarify the more important rights reserved to the Allied Forces by agreement with the ITALIAN Government, in such territory forming part of Italian Government Territory which may be handed over to the ITALIAN Government from time to time, in respect of which full powers of Government will otherwise be possessed by the ITALIAN Authorities.

Apart from these reserved rights, Allied Military Government in ITALIAN Government Territory comes to an end. All Proclamations and Orders of the Military Governor and those made by his authority cease and are no longer operative; no such Proclamation or Order can be issued in the future.

Although there will be officers of the Allied Control Commission in ITALIAN Government Territory, they will be there to advise and control the ITALIAN Government, and not as Governors. One of the most important functions of the Regional and Provincial Officers of the ACC will be liaison between Allied Military formations in the area and the ITALIAN administrative officials. All but the most routine dealings between the ITALIAN administrative officials and Allied Military authority must be conducted through the local ACC.

When the ITALIAN Government is directly represented on a control board or committee the Military may, of course, deal directly with that organization without the intervention of the ACC.

2. General.

The object of this instruction is to clarify the more important rights reserved to the Allied Forces by agreement with the ITALIAN Government, in such territory forming part of Italian Government Territory which may be handed over to the ITALIAN Government from time to time, in respect of which full powers of Government will otherwise be possessed by the ITALIAN authorities.

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Although there will be officers of the Allied Control Commission in ITALIAN Government Territory, they will be there to advise and control the ITALIAN Government, and not as Governors. One of the most important functions of the Regional and Provincial Officers of the AOC will be liaison between Allied Military Formations in the area and the ITALIAN administrative officials. All but the most routine dealings between the ITALIAN administration and the Allied Military authorities must be conducted through the local AOC. When the ITALIAN Government is directly represented on a central board or committee the Military may, of course, deal directly with that organization without the intervention of AOC.

3. Requisitioning

The Allied Forces have retained the power and right to requisition private and public property and services in ITALIAN Government Territory - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the ITALIAN authorities. If, for example, a building is needed by the Military, it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Provincial Officer of the AOC. The usual formalities of requisitioning used in Military Government territory will be strictly followed in ITALIAN Government territory. The property of fascist societies, whether dissolved or not, must not be seized without giving a receipt, and then only if required for reasons of military necessity.

4. Allied Military Courts

As the Proclamation of the Military Governor ceases to operate in ITALIAN Government

Copy on file 2/24

-2-

Government Territory, all crimes will normally be tried under ITALIAN law and in ITALIAN Courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in ITALIAN Government Territory for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the ITALIAN Penal Codes.

The reservation of this right is not intended to encourage the trial of civilian offenders by Allied Courts, but to enable them to deal with the most serious offenses against Allied personnel or property which cannot be dealt with by the ITALIAN Courts. If such an offense has been committed the military authorities will give a full statement of the facts to the local representative of the ACC with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of ACC to frame the charges and constitute the Court. It is emphasized that only in the most exceptional circumstances will any case in ITALIAN Government Territory be referred to ACC Courts and then only on order of ACC.

Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offenses. High ranking ITALIAN officials and officers of the ITALIAN Armed Forces should, however, only be arrested in collaboration with the appropriate ITALIAN official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local ACC officer will be obtained beforehand, except in an emergency, when he will be informed immediately after the arrest.

5. Military Zones.

The right is reserved by the Commander-in-Chief to declare specific areas in ITALIAN Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AII giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

6. Military and Civilian Internees

The Allied Forces may continue to hold or require the ITALIAN Government to hold in custody military or civilian internees in ITALIAN Government Territory. If the Allied Forces require to arrest any person for security or other

Reserved to AMG-Com and used only in cases of emergency. Consequently the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offenses. High ranking ITALIAN officials and officers of the ITALIAN Armed Forces should, however, only be arrested in collaboration with the appropriate ITALIAN official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local AOC officer will be obtained beforehand, except in an emergency, when he will be informed immediately after the arrest.

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6. Military and Civilian Internees

The Allied Forces may continue to hold or require the ITALIAN Government to hold in custody military or civilian internees in ITALIAN Government Territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with ITALIAN officials unless, in any particular case, it is thought that a request to the ITALIAN police to arrest a suspect would be ineffective. In all such cases the local AOC officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or ITALIAN authorities. If he is not in agreement, the matter will be referred to higher authority. Normally such persons will be detained in 374 PW Camp.

7. Use of Troops in Aid of the Civil Power.

It may happen that the local ITALIAN authorities may ask for the assistance of Allied troops in quelling civil disturbances.

If such a request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the ITALIAN Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone (see para 5 above).

/s/ tno

14
para 7 contd.

If the permits the local commander will consult the local AGO officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay.

8. Process in ITALIAN Courts

No member of the Allied Forces may be prosecuted or sued in ITALIAN Courts.

9. Emergency Action

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security, but except in such emergency all action required from the ITALIAN Administration should invariably be taken through the medium of the Regional or Provincial Commissioner. Where immediate action is taken without previous reference to AGO for emergency reasons, the appropriate AGO officer will be informed as soon as possible.

10. Assistance to ITALIAN Authorities.

Apart from the powers and rights described above, it should be remembered that the transfer of territory to the ITALIAN Government is made as part of the policy of the Allied Governments.

It is the duty of all Allied officers to assist the central and local Government authorities in acquiring and maintaining authority, and to avoid thoughtless acts which may undermine the authority of the police, the Sindaco, or the Prefects.

/VBT

Major General.
Chief Administrative Officer.

DISTRIBUTION

5 (US) Army
Eighth Army
5 Corps
2 Polish Corps
1 District

(5)
(5)
(5)
(5)
(5)

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It is the duty of all Allied officers to assist the central and local Government authorities in acquiring and maintaining authority, and to avoid thoughtless acts which may undermine the authority of the police, the Sirdars, or the Peshcas.

W. J. F. F. F.

Major General,
Chief Administrative Officer,

NOTICE TO SUBSCRIBERS

5 (US) Army
Eighth Army
5 Corps
2 Polish Corps
1 District
2 District
3 District
NORTH ADV. Base
ADV. Arm HQ UNIT COM
PNS
C-in-C MED
HQ MAF
AF/ATO
26 B.L.U.

Junior to:-

AFHQ GH (BR)
ACC
List of:
War Diary
FILE 3078/AC

$$\begin{pmatrix} 25 \\ 12 \\ 18 \end{pmatrix} \quad \begin{pmatrix} 2 \\ 1 \end{pmatrix}$$

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

785017

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

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Office of the Executive Commissioner
+++++

16
HQ ACC, APO 394
1/16 Sec'y Gen.
Rec'd 2 Aug 1945
By CCR

7th August 1945.

Acting Chief Commissioner.

12 11 The new directive is going out, see Pages 58
58A and 58B. I have asked AAI to insert as final para-
graph Page 58. 14

I will also write to General Robertson asking
him to send personal instructions to ~~General~~ the
new General.

→ MS/8/8

Good

End

Friend James
what subscription
what is 3747

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

ALLIED CONTROL COMMISSION
INTER OFFICE MEMO

From: Acting Chief Commissioner

SUBJECT: Future Duties of RAAC

FILE No. 711

TO: Brigadier Lush, Executive Commissioner,
Hq. ACC

5 August 1944

Have you given consideration to any revisions in AAI directive as to duties of RAAC in connection with the transfer of Rome to the Italian Government on August 15th? If we are going to have any difficulties with RAAC in this connection, we should be settling them now.

Wm
MILBY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: Col. Upjohn, Admin Sec

VP
3746

Bf Del directive 11/1/18

0218

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

Hq ACC - Sec'y Gen.
DISPATCHED
Date-Time Aug 00 1555
Via msg
Initials DRR

DELETED

14
Addition to AAI Administrative Instruction No. superseding AAI
Administrative Instruction No. 6.

Final Paragraph.

Apart from the powers and rights described above, Commanders should remember and impress upon their subordinates that the turnover of territory to the Italian Government is in accordance with the policy of the Allied Governments in order that the Italian administration may undertake more responsibilities and thereby attain more authority among its people.

It is the duty of all Allied officers, and not only those of the Allied Control Commission, to assist the central and local government authorities in acquiring and maintaining that authority. Much can be done by a reasonable and friendly approach to the Italian authorities, remembering the difficulties of a newly formed government in a country suffering from damage of battle and the difficulties of occupation: much harm can be done in thoughtless acts which may undermine the authority of the police, the Sindaco, or the Prefects. The Italian Government, both local and central, needs self confidence and they will acquire it only if confidence is placed in them by Allied Commanders and if that confidence is expressed by a friendly approach, the realization that the Italians and

undertake more responsibilities and thereby attain more authority among its people.

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HQ. AAI. (Attn. Col. Welch, "A" Branch).

May the attached para be added to this draft, which I returned to you on Aug. 4th under my letter 125/58/CA as the final paragraph.

(Sgd) GIL. SHEP. Lt. Col.

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

Phone:
478808

Ref/125/58/0A.

4 August 1944.

SUBJECT: Powers and Rights of Allied Forces and Allied
Government in Italian Government Territory.

TO : HQ. Allied Armies in Italy.

1. With reference to your AAI/3064/A(0) of 30 July 1944 your draft Administrative Instruction No.6 is returned herewith.
2. It has had some comments made on it by our Legal Advisers which are entered on the original draft for purposes of easy comparison with the original. These are nearly all of a minor nature in connection with the use of the term "Italian Government Territory" which has been adopted by A.C.C.
3. It is thought necessary to stress the point amended by us in para.4.
4. May 12 copies of this Instruction be sent to this HQ when you decide to issue it.

Brigadier,
Executive Commissioner,
For A/Chief Commissioner.

Copy to: Adm Sec.

See 14

3744

DRAFT

SECRET

ALLIED ARMIES IN ITALY
AAI/3064/A(O)
July 44

ADMINISTRATIVE INSTRUCTION NO.

POWERS AND RIGHTS OF ALLIED FORCES AND ALLIED MILITARY GOVERNMENT
IN UNOCCUPIED ITALY

This Instruction supersedes Administrative Instruction No. 6, reference AAI/3064/A(O) dated 15 Mar 44.

1. Definition.

For the purposes of this Instruction the term "~~unoccupied Italy~~" refers to territory forming part of ITALY, SICILY and adjacent islands handed over to the ITALIAN Government and jurisdiction, subject to the guidance and instruction of the Allied Control ~~and~~ Commission under the Chief Commissioner acting for the Commander-in-Chief, AAI.

Italian Government Territory

2. General.

The object of this Instruction is to clarify the more important rights reserved to the Allied Forces by agreement with the Italian Government, in such territory forming part of ~~unoccupied Italy~~ which may be handed over to the ITALIAN Government from time to time, in respect of which full powers of Government will otherwise be possessed by the ITALIAN Authorities.

Italian Government Territory

Apart from these reserved rights, Allied Military Government in ~~unoccupied Italy~~ comes to an end. All Proclamations and Orders of the Military Governor and those made by his authority cease and are no longer operative; no such Proclamation or Orders can be issued in the future.

Italian Government Territory

Italian Government Territory

Although there will be officers of the Allied Control Commission in ~~unoccupied Italy~~ they will be there to advise and control the ITALIAN Government and not as governors. One of the most important functions of the Regional and Provincial Officers of ACC will be liaison between Allied Military formations in the area and the ITALIAN administrative officials. All but the most routine dealings between the ITALIAN administration and the Allied Military authorities must be conducted through the ACC. When the ITALIAN Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organization without the intervention of ACC.

Local

territory forming part of ITALY, SICILY and adjacent islands handed over to the ITALIAN Government and jurisdiction, subject to the guidance and instruction of the Allied Control Commission under the Chief Commissioner acting for the Commander-in-Chief, AAI.

2. General.

The object of this Instruction is to clarify the more important rights reserved to the Allied Forces by agreement with the Italian Government, in such territory forming part of ~~unoccupied Italy~~ which may be handed over to the ITALIAN Government from time to time, in respect of which full powers of Government will otherwise be possessed by the ITALIAN Authorities.

Italian Govt Territory

Apart from these reserved rights, Allied Military Government in ~~unoccupied Italy~~ comes to an end. All Proclamations and Orders of the Military Governor and those made by his authority cease and are no longer operative; no such Proclamation or Orders can be issued in the future.

Italian Govt Territory

Although there will be officers of the Allied Control Commission in ~~unoccupied Italy~~ they will be there to advise and control the ITALIAN Government and not as governors. One of the most important functions of the Regional and Provincial Officers of ACC will be liaison between Allied Military formations in the area and the ITALIAN administrative officials. All but the most routine dealings between the ITALIAN administration and the Allied Military authorities must be conducted through the ACC. When the ITALIAN Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organisation without the intervention of ACC.

Local

3. Requisitioning.

Italian Govt Territory

The Allied Forces have retained the power and right to requisition private and public property and services in ~~unoccupied Italy~~ - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the ITALIAN authorities. If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Provincial officer of the ACC. The usual formalities of requisitioning used in ~~unoccupied Italy~~ territory will be strictly followed in ~~unoccupied Italy~~. The property of ~~unoccupied Italy~~ fascist societies must not be seized without giving a receipt and then only if required for reasons of military necessity.

Italian Govt Territory

4. Allied Military Courts.

Italian Govt Territory

As the Proclamation of the Military Governor ceases to operate in ~~unoccupied Italy~~, all crimes will normally be tried under ITALIAN law and in ITALIAN courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in ~~unoccupied Italy~~ for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian Penal Codes.

Italian Govt Territory

- 2 -

is to enable them

The reservation of this right is not intended to encourage the trial of civilian offenders by Allied Courts but ~~only~~ to deal with the most serious offences against Allied personnel or property which cannot be properly dealt with by the ITALIAN Courts. If such an offence has been committed the military authorities will give a full statement of the facts to the local representative of the AOC with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of AOC to frame the charges and constitute the Court.

Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking ITALIAN officials and officers of the ITALIAN armed forces should, however, only be arrested in collaboration with the appropriate ITALIAN official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local AOC officer will be obtained beforehand, except in an emergency, when he will be informed immediately after the arrest.

5. Military Zones.

Voluntary Govt. Junta The right is reserved by the Commander-in-Chief to declare specific areas in ~~unoccupied Italy~~ to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AAI giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

6. Military and Civilian Internees.

Italian Govt. Junta The Allied Forces may continue to hold or require the ITALIAN Government to hold in custody military or civilian internees in ~~unoccupied Italy~~. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with ITALIAN officials unless, in any particular case, it is thought that a request to the ITALIAN police to arrest a suspect would be ineffective. In all cases, ~~except in emergency~~ the local AOC officer must be informed of the intention to make ~~any such~~ arrest, whether ~~by the~~ *by the* Allied or ITALIAN authorities. If he is not in agreement, the matter will be referred to higher authority. Normally such persons will be detained in 371 PW Camp.

7. Use of Troops in Aid of the Civil Power.

It may happen that the local ITALIAN authorities may ask for the assistance of Allied troops in quelling civil disturbances.

It is explained that only in the last few cases in collaboration with any case in Italian Govt. Junta. Not referred to AOC. But when only in the case of AOC

ishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ A-1 giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

6. Military and Civilian Internees.

Local Govt Authority
The Allied Forces may continue to hold or require the ITALIAN Government to hold in custody military or civilian internees in ~~unoccupied ITALY~~. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with ITALIAN officials unless, in any particular case, it is thought that a request to the ITALIAN police to arrest a suspect would be ineffective. In all cases, except in emergency the local AOC officer must be informed of the intention to make ~~such~~ arrest, whether by the Allied or ITALIAN authorities. If he is not in agreement, the matter will be referred to higher authority. Normally such persons will be detained in 371 PW Camp.

7. Use of Troops in Aid of the Civil Power.

It may happen that the local ITALIAN authorities may ask for the assistance of Allied troops in quelling civil disturbances.

If such request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the ITALIAN Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone (see para 5 above).

If time permits the local commander will consult the local AOC officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay.

8. Process in ITALIAN Courts.

No member of the Allied Forces may be prosecuted or sued in ITALIAN Courts.

9. Emergency Action.

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security but except in such emergency all action required from the ITALIAN Administration should invariably be taken through the medium of the Regional or Provincial Commissioner. Where immediate action is taken without previous reference to AOC for emergency reasons, the appropriate AOC officer will be informed as soon as possible.

Major General,
G40.

10

Col Shipp:

~~1. 3 pro~~

7010 ~~57~~⁹ + draft which accompanies it
(attached to cover) looks as if it should
go to EC & Legal first.

Sh

31 July 44

Admin Section

Ref ~~57~~⁹ and draft opposite.

You will want to see this draft to comment on.
It was raised by Ex Comm: on July 20 but decided
not to bother NMI at this time to draft another
instruction, which they have now done on their
own initiative.

U 48.

3741

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

158R
SUBJECT: Powers and Rights
of Allied Forces and
Allied Military
Government in
Unoccupied ITALY.

~~SECRET~~ ~~CAB~~
HQ ALLIED ARMIES IN ITALY
AAI/3064/A(O)
30 Jul 44

HQ,
ACC.

31 JUL Recd

- CONFIDENTIAL
- 1) It is proposed to issue a new Administrative Instruction to supercede Administrative Instruction No 6, dated 15 Mar 44, defining powers and rights of Allied Forces and Allied Military Government in unoccupied ITALY.
 - 2) The above-mentioned instruction dealt with specified territory in ITALY; the object of the amended instruction is to give general application to any territory which may be handed over to the ITALIAN Government.
 - 3) Have you any comments on the attached draft? Please return as soon as possible.

TW/JD

Shearer
Major-General,
CAO.



3740

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

~~SECRET~~

HEADQUARTERS
ALLIED CONTROL COMMISSION
R. C. & M. C. SECTION
APO 394

Ref /125/20/CIA

28 March 1944

SUBJECT: Powers and Rights of Allied Forces and
ARMY in unoccupied territory.
TO : Legal Sub-Commission.

1. As requested in your ACC/4102/2/L of 26
March 1944, attached hereto is copy of AAI/5064/A(0)
of 15 March 1944 dealing with above subject.

2. Please acknowledge receipt.

NB
for NORMAN E. PISKE
Colonel
Deputy Executive
Commissioner

1/A
3739

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

30 MAR Recd

125
29 MAR 1944

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/gmf

ACC/4102/2/L

29 March 1944.

SUBJECT: Acknowledgement of receipt.

TO : R.C. & M.G. Section, HQ ACC.

1. Receipt acknowledged of your letter 125/20/CA of 28 March 44 and attached copy of Administrative Instruction No. 6 ref AAI/3064/A(O) dated 15 March 44.

Richard H. Wilmer 3738
RICHARD H. WILMER
Lt. Col. CAC
Deputy Chief Legal Officer.

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

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

125
27 MAR 1944

/gnf

ACC/4102/2/L

26 March 1944.

SUBJECT: Powers and Rights of Allied Forces & AMG in Unoccupied Territory.

TO : Executive Commissioner, ACC.

May this subcommittee please be supplied with a copy of HQ AAI
Administrative Instruction referred to in para 1 of your Ref /125/18/CA
dated 23 March, 1944 on the above subject.

For known

If we have a spare
copy send it noting
classification

G. R. UPJOHN, Colonel
Chief Legal Officer.

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/125/18/CA.

23 March 1944.

SUBJECT: Powers and Rights of Allied Forces and Allied
Military Government in Unoccupied Italy.

TO : See Distribution Below.

1. HQ. A.A.I. (Admin. Echelon) C.M.F. has issued an Administrative Instruction to all Military formations outlining the situation in general terms and substantially as stated in memoranda from this HQ dated 23 Jan and 31 Jan already in your possession.

2. The following extracts are quoted for your information :

- (a) Although there will be officers of the Allied Control Commission in unoccupied ITALY they will be there to advise and control the Italian Government and not as governors. One of the most important functions of the Regional and Provincial Officers of the Commission will be liaison between Allied Military formations in the area and the Italian administrative officials. All but the most routine dealings between the Italian administration and the Allied Military authorities must be conducted through the Commission. When the Italian Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organisation without the intervention of the Commission.

(b) Requisitioning.

The Allied Forces have retained the power and right to requisition private and public property and services in unoccupied ITALY - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the Italian authorities. If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Provincial Officer of the Commission.

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(c) Allied Military Courts.

As the Proclamation of the Military Governor ceases to operate in unoccupied ITALY, all crimes will normally be tried under Italian law and in Italian courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in unoccupied ITALY for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian Penal Codes.

The reservation of this right is not intended to encourage the trials of civilian offenders by Allied Courts but only to deal with the most serious offences against Allied personnel or property which cannot be properly dealt with by the Italian Courts. If such an offence has been committed the Military Authorities should give a full statement of the facts to the local representative of the Commission with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of the Commission to frame the charges and constitute the Court.

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Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local officer of the Allied Control Commission will be obtained beforehand, except in an emergency, when he should be informed immediately after the arrest.

(d) The right is reserved by the Commander-in-Chief to declare specific areas in unoccupied ITALY to be Military Zones. Should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ.I. Giving full reasons to justify for the assistance of Allied troops in quelling civil disturbances. If such request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local officer of the Commission before giving assistance.

(e) Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in Custody military or civil prisoners of war in unoccupied ITALY. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local officer of the Commission must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Normally such persons will be detained in 571 P.W. Camp.

(f) Process in Italian Courts.

If such request is made, the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local officer of the Commission before giving assistance.

(e) Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civil prisoners of war in unoccupied Italy. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local officer of the Commission must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Normally such persons will be detained in 371 P.W. Camp.

(f) Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

(g) The agreement now reached with the Italian Government makes the rights of the Allied Forces in the Provinces of Apulia identical with their rights in the areas recently transferred from Allied Military Government to Italian Government.

3. The instruction emphasises that except where, in emergency, immediate action is required by the Allied Forces for their own protection and security, all action required from the Italian Administration should invariably be taken through the medium of the Regional or Provincial Commissioner.

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It is further notified that where immediate action is taken without previous reference to the Allied Control Commission for emergency reasons, the appropriate officer of the Commission will be informed as soon as possible.

4. It will thus be appreciated that HQ. A.A.I. are seeking to obtain the fullest co-operation between military commanders and the Allied Control Commission. It should be your constant endeavour to reciprocate.

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

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Colonel,
Deputy Executive
Commissioner.

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DATE: 19 MAR 1944

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15 Mar 44

ADMINISTRATIVE INSTRUCTION NO 5

POWERS AND RIGHTS OF ALLIED FORCES AND ALLIED MILITARY GOVERNMENT IN UNOCCUPIED ITALY

1. On 14 Feb 44, that portion of ITALY South of Northern boundaries of the Provinces of SALERNO, POTENZA and BARI, together with SICILY and the adjacent islands, was handed over to the Italian Government and jurisdiction, subject to the guidance and instruction of the Allied Control Commission under the Chief Commissioner acting for the Commander-in-Chief A.A.I. The following paragraphs indicate the more important rights possessed by Allied troops in the territory mentioned above, which is referred to in this instruction as 'unoccupied ITALY'.

2. General

Full powers of government will be possessed by the Italian authorities in unoccupied ITALY, subject only to such rights as have been reserved by the Commander-in-Chief by agreement with the Italian Government. The most important of these rights are given in paras 3 - 9 below.

apart from these rights, Allied Military Government in unoccupied ITALY comes to an end. All Proclamations and Orders of the Military Governor can thus make by his authority cease and are no longer operative; no such Proclamations or Orders can be issued in the future.

Although there will be officers of the Allied Control Commission in unoccupied ITALY they will be there to advise and control the Italian Government and not as governors. One of the most important functions of the Regional and Provincial Officers of A.C.C. will be to advise between Allied military formations in the area and the Italian administrative officials. All but the most routine decisions between the Italian administration and the Allied Military authorities must be conducted through the A.A.C. When the Italian Government is directly represented on a central board or committee, the Military may, of course, deal directly with that organization without the intervention of A.A.C. *C.K. 05*

3. Requisitioning

The Allied Forces have retained the power and right to requisition private and public property and services in unoccupied ITALY and this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the Italian authorities. If, for example, a building is needed by the military it should be requisitioned through the Sindaco at the

Full powers of government will be possessed by the Italian authorities in unoccupied Italy, subject only to such rights as have been reserved by the Commander-in-Chief by agreement with the Italian Government. The most important of these rights are given in paras 5 - 9 below.

As part from these rights, Allied Military Government in unoccupied Italy comes to an end. All Proclamations and Orders of the Military Governor that have been made by his authority cease and are no longer operative; no such Proclamations or Orders can be issued in the future.

Although there will be officers of the Allied Control Commission in unoccupied Italy they will be there to advise and control the Italian Government and not as governors. One of the most important functions of the Regional and Provincial Officers of A.C.C. will be to ensure that military functions in the area and the Italian administrative officials. All but the most routine dealings between the Italian administration and the Allied Military authorities must be conducted through the A.C.C. When the Italian Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organization without the intervention of A.C.C. //

3. Requisitioning

The Allied Forces have retained the power and right to requisition private and public property and services in ~~Italian government territory~~ ^{Italy} for their own use. This right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the Italian authorities. If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the ~~Regional~~ ^{Provincial} officer of the A.C.C. The usual formalities of requisitioning used in occupied territory should be strictly followed in ~~Italian government territory~~ ^{Italy}. The property of dissolved fascist societies must not be seized without giving a receipt and then only if required for reasons of military necessity.

4. Allied Military Courts

As the Proclamation of the Military Governor ceases to operate in unoccupied Italy, all crimes will normally be tried under Italian law and in Italian courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in unoccupied Italy for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian Penal Code.

The reservation of this right is not intended to encourage the trial of civilian offenders by Allied Courts but only to deal with the most serious offences against Allied personnel or property which cannot be properly dealt with by the Italian Courts. If such an offence has been committed the military authorities should give a full statement of the facts to the local representative of the A.C.C. with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of A.C.C. to frame the charges and constitute the Court.

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Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking Italian officials and officers of the Italian armed forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local A.C.C. officer will be obtained beforehand, except in an emergency, when he should be informed immediately after the arrest.

5. Military Zones

The right is reserved by the Commander-in-Chief to declare specific areas in unoccupied Italy to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to Hq. A.A.I. Giving full reasons to justify his view. The Allied Forces may also re-occupy any part of Italian territory but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

6. Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civil prisoners of war in Italy. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local A.C.C. officer must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. ~~When such persons are arrested, they will be referred to the local A.C.C. officer for further action.~~

7. Use of Troops in aid of the Civil Power.

It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances. If such request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting assistance that the territory in question will be made forthwith an Allied Military Zone (see para. 5 above).

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6. Prisoners of War and Civilian Internees.

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If such request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. ~~Furthermore~~ ^{Furthermore} before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone ~~(see para. 5 above).~~

~~If~~ ^{When} time permits the local commander will consult the local A.C. Officer ~~and seek instructions from his Superior Commander before giving assistance~~ ^{in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay.}

8. Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

9. Provinces of Sicily.

Heretofore, the Allied Forces had none of the powers of Military Government in the Provinces of LECCE, BRINDISI and TARANTO. The agreement now reached with the Italian Government makes the rights of the Allied Forces in these provinces identical with their rights in the areas recently transferred from Allied Military Government to Italian control. Accordingly, all the rights described above as reserved to the Allied Forces, such as the right of requisitioning and of convening Military Tribunals for the trial of acts hostile to the Allied Forces, may be exercised hereafter in the four Provinces named above.

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10. Emergency Action.

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security but except in such emergency all action required from the Italian Administration should invariably be taken through the medium of the ^{A.C. Liaison Officer} ~~Regional or Provincial Commissioner.~~ Where immediate action is taken without previous reference to A.C.F. for emergency reasons, the appropriate A.C.F. officer will be informed as soon as possible.

W. H. Robertson

Major-General,
C.M.C.

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