

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

785017

ACC

10000/109/1557

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

785017

10000/109/1557

LEGAL SITUATION, APULIA
MAY, JUNE 1944

Ex. Commission,

to see 16 ref note
at 14.

10/4.

10/6

2653

785017

767 - 8 JUN Recd

RECEIVED
ALLIED OFFICIALS COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

CH/eng

16

AUG/1944

SUBJECT: Legal Affairs - AMERICA

TO : R.L.C. (then A.L.C.) Region II

7th June 1944

1. Confirming conversations 1/5th June 1944, Col. Upjohn - Lt. Col. Gossins.

(a. Looce Case)

- (1) Lt. Col. Gossins will bring the file of the Looce case to Canada probably three or four days after the end of the case.
- (11) I confirm sending you the following signal (ref 2876 dated 6 June 1944) :-

"Please forward following. Confirm that death sentence must be imposed if accused guilty of major offences under Articles 237 and 264. Recommendation for mercy may be properly expressed in open court."

- (111) I reaffirm ALL that I said on the necessity of permitting full cross examination of witnesses on important and material matters even if security officers are opposed to such a course. If they decline to be cross examined the whole of their evidence must be stricken out.

(b. Future cases in A.L.C. Courts.)

- (1) Lt. Col. Gossins will submit a panel of names including names of legally qualified officers from Hq 2 District. If there is any difficulty about this I will ask for assistance from Hq A.L.C. (J.L.C.).
- (11) The whole question of the trial of spy and fascist cases in A.L.C. Courts must be reviewed in the light of the Looce case, when we have the record. In particular, in the Looce case you may consider it desirable to make some revised recommendations and you are at liberty to do so.
- (111) You are re-examining the so called Toronto railway theft case the papers in which were sent back to you yesterday by R.C.L.C. (ref AXY/4122/6/1 dated 6 June 1944-).
- (17) This Hq has under consideration the BREVETED aviation theft case (in reality three cases) sent up by R.C. on 23rd May and the BREVETED case and D'HANCO case sent up by you (per Major Franklin) on 31st May.

2662

- 2 -

C. Personal.

D.C.L.O. confirms that he agreed with you that Major Pennington would be at 24 hours notice, but at the same time unless the Germans withdraw from Region 5 at a very great rate he is unlikely to be required for some time.

2. Capt. German will have discussed the conference at Harl with you. The results were not entirely satisfactory but some progress was made. My own impression is that the Courts can perfectly well undertake the work required if they choose to do so. It may well be necessary to obtain the removal of the Procureurs Generals and Procureurs del Re however before anything is done effectively.

It will be your duty to see that the special Section now set up not only keeps abreast of current cases but makes a substantial incursion into the arrears and if this requires them to sit on three or four days a week they must do so. If as alleged by the Procureurs Generals they can get through the work in two sittings a week, well and good.

The figures were of course quite irreconcilable but I want Capt. German (i) to insist on getting in the reports from the Pretorian Courts and (ii) to weed out the old cases where Allied witnesses are no longer available. Now in very important cases it is now no use trying to get witnesses to return from somewhere North of Rome. Will you also please obtain from J15 MSS full particulars as to the allegations of treason against the officials mentioned by ~~Major Pennington~~.

3. I want General Guderan's list of prerequisites as soon as possible.

4. I will take up with the Minister of Justice two matters discussed with the Procureurs Generals namely, the interpretation of Art 166 of Military P.C. and Art 649 of the C.P. and also the question of an interpreter.

With regard to the requisition of a car the Procureurs Generals want to do this locally.

G. R. L. H. H. H.
G. R. L. H. H. H.,
Colonel,
Chief Legal Officer.

Copy to: Executive Commissioner

Ex. Comr. to see

Folios 9, 11 and 14

1 June 44.

CR M. John to see

Then P.A.

Legal S.C.

Please return after
perusal.

2/6/44 I am going to Matera
tomorrow. G.R. Lippert
CL

HEADQUARTERS
31 MAY 1944
ALLIED CONTROL COMMISSION

REGION 2

I MAY Recd

C.A. 1320

141

Ref: 2201/73

28 May 1944

9455

SUBJECT: - Legal Situation - Apulia

TO : - Executive Commissioner, H.A.C.C.

1. Reference your 26/7/5/CA of 23 May, a copy of the minute to which you refer was addressed to me. It conveys a true picture of the position, and from the moment Apulia became a part of this Region, the problem has been constantly tackled and reported upon, both in normal and in special reports.

2. Besides the H.L.O. this HQ. has only three Legal Officers, two of whom are in Apulia, and they are closely in touch with all tribunals there. One Legal Officer has been posted to Region 5, but remains temporarily on loan.

3. The true position has been difficult to discover. The L.Os. after many investigations found serious cases (including five murders of an Allied soldier) that appeared to have been completely shelved owing to movements of units, and the utter lethargy of the Italian Court prior to 11 Feb.

4. It is only since May 1st that the situation has developed sufficiently, and multifarious reports received regularly, so that statistics are available.

Attached is a proforma showing the position in Apulia as at 15.5.44.

5. Suggestions for coping with the situation are contained in the H.L.O.'s report to the E.L.O. in the HQ. Letter 2201/613 of 11.5.44, para 5, a copy of which para is attached.

6. The HQ. Letter 2201/73 of 20.5.44 was addressed to the F. R.O. in pursuance of the verbal instructions at the C.L.O.'s conference on 2.4.44 that R.L.Os. should keep him informed of data which might be of interest to him.

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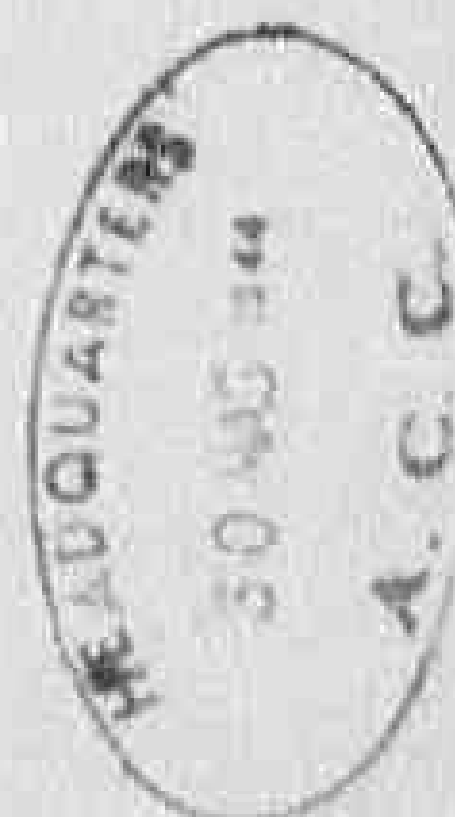
5. Suggestions for coping with the situation are contained in the R.L.O.'s report to the C.I.C. in this HQ. letter 2201/618 of 11.5.44, para 5, a copy of which para is attached.

6. The HQ. letter 2201/73 of 20.5.44 was addressed to the P. R.O. in pursuance of the verbal instructions at the C.I.C.'s conference on 2.4.44 that R.L.Os. should keep him informed of data which might be of interest to him.

A copy was sent to the C.I.C.

John J. [Signature]
Col. Inf.

Regional Commissioner 2659



C O P Y

Ref: 201/61/B

11 May 1944

5. At present it would seem. that only one of two solutions will be proposable:

(a) That the Italian Military Penal Code be amended to enable the functioning of Summary Courts consisting of one Staff Officer (instead of the present 5) together with a representative of the Pubblico Ministero, armed with adequate powers of punishments.

or (b) The establishment of A.M.G. Summary Courts at each of the four, until all arrears are cleared off.

2658

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

785017

PLACE: APULIA

PERIOD:

Number of cases registered up to date	Number of cases tried up to date by	Number during above period of	Number of cases tried by Civil Courts during above period	
3517	(a) Civil Courts 535	(a) arrests reported 159	(a) Assaults on Allied personnel 1	(a)
Old cases yet to be registered				
At Bari 700	(b) Military Courts	(b) charges reported	(b) Thefts 56	(b)
At Barletta 250	481	122	(c) Unlawful possession 47	(c)
			(d) Miscellaneous 2	(d)
Total 3517 + 950	Total 1016	Total 281	Total 106	

2657

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

PERIOD: 1st - 15th May 1944

Number during above period of	Number of cases tried by Civil Courts during above period	Number of cases tried by Military Courts during above period
(a) arrests reported 159	(a) Assaults on Allied personnel 1	(a) Assaults on Allied person Nil
(b) charges reported 122	(b) Thefts 56 (c) Unlawful possession 47 (d) Miscellaneous 2	(b) Thefts 60 (c) Unlawful possession 113 (d) Miscellaneous Nil
Total 281	Total 106	Total 173

12

107
 HEADQUARTERS
 ALLIED CONTINGENT COMMISSION
 LEGAL SUB-COMMISSION
 APO 394

267 23 MAY 1944
 18 MAY Recd @ A B 19
 1904F

/rhp. 248
 27 May 1944.

ACC/4150/L.

SUBJECT : Legal situation of courts in Apulia.

TO : Regional Legal Officer (TRHU: Regional Commissioner), Region II.

1. Referring to my ACC/4150/L dated 26 May 44 and in particular to para. 4 (3) President Guiso and Procuratore Generale attended the conference with the Minister yesterday evening. The unsatisfactory state of affairs at Bari was very forcibly pointed out to the Minister and the figures attached to your 2201/75/B dated 21 May were given to him. The message in para. 7 of your 2207/75 dated 28 May commencing "At Bari for instance" was read to him as were the remarks in para. 3 of your 2201/61/B dated 11 May.

2. The Primo Presidente and the Procuratore Generale read long extracts from directives sent by them to members of the Tribunale and in relation to the necessity for expediting trials of offenses involving Allied interests, and they categorically stated that there were no such cases outstanding in the Bari area except about 15 per Tribunale making 75 in all (of course a very small figure if true) all of which were fixed for trial before 10 June.

3. In view of statement as to the number of cases outstanding which, of course, was not accepted, there was no alternative except to appoint representatives of the sub-commission and the Ministry to investigate the matter.

4. I have accordingly appointed Major Palmieri and the Minister has appointed Fiarisanti to investigate the matter. They will arrive at Matera on Wednesday night and will proceed to Bari on Thursday evening for the investigation.

5. You will have ready prepared by then, the necessary detailed figures to support your statistics already given to this sub-commission so that there may be no delay in the investigating of the Committee.

6. My signal no. 2202 of today's date refers to the above.

7. Major Palmieri estimates that he will be there 3 or 4 days and that his report will be ready by the time that I arrive on Sunday evening.

8. President Guiso has been transferred to the Court of Cassation and Vacciarollo, President of a Section of the Court of Appeal in Naples has been appointed in his place. The last named has done excellent work in Naples and I hope to bring him over on Sunday with me.

for GENERAL & COLONEL,
 Colonel,
 Chief Legal Officer.

Copy to: Executive Commissioner.

785017

263 I-28
RESTRICTED
ALLIED CONTROL COMMISSION
INCOMING MESSAGE

27 MAY Recd 411/10

TO: 111 DISTRO FOR ACTION 2 FOR REPORTED ACC MAIN FOR LHM FOR INF

FROM: ACC REAR FROM LEGAL SECTOR MACFARLANE SIGNAL MESSAGE CENTER No: 42/27
 REFERENCE No: NR 2816 CLASSIFICATION: RESTRICTED
 DATE AND TIME OF ORIGIN: MAY 27 1059Z PRECEDENCE: PRIORITY
 OFFICE OF ORIGIN:

POSITION OF CASES AFFECTING ALLIED INTEREST WHICH ARE OUTSTANDING AT BARI.
 CONFERENCE WITH MINISTER OF JUSTICE CUOMO AND DE SANTIS TODAY. CUOMO STATED
 THAT NO CASES OUTSTANDING EXCEPT ABOUT 75 THE TRIAL OF WHICH WAS FIXED BEFORE
 10 JUNE. THESE FIGURES WERE NOT REPEAT NOT ACCEPTED BY US IN VIEW OUR
 STATISTICS SUPPLIED TO US. MAJOR PALMERI OF THIS SUB COMMISSION AND
 FERRAMENTI OF MINISTRY WILL COME OVER TO MATERA ON WEDNESDAY EVENING 31 MAY TO
 INVESTIGATE POSITION BARI ON THURSDAY. INSTRUCT YOU PREPARE FIGURES OF CASES OUT-
 STANDING AT BARI IN CIVIL NOT REPEAT NOT MILITARY COURTS AT THIS DAY SO THAT MATTER
 IS READY FOR IMMEDIATE INVESTIGATION THURSDAY. VACCARIELLO IS BEING TRANSFERRED
 TO BARI TO REPLACE CUOMO

~~NO LINE OF ACTION CASES REAR AFFECTING NOT INTERESTING~~

ACC DIST
 (INF) 2
 FILE

FLOT

DATE and Time of RECEIPT MAY 27

Distribution:

RESTRICTED



200

785017

267 20 20 13 20
26 May 1944
8959

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

26 May, 1944.

Acc/4150/L
MAY/11/44

SUBJECT : Legal Report for period 1 - 15 May.
TO : R.L.O. Region 2 (thru Regional Commissioner).

1. I have to acknowledge your 2201/70/3 dated 21 May and 2201/73 dated 20 May.

2. You must appreciate that unsatisfactory and even bad situations must be expected to arise and that officers of A.C.C. are placed in Regions and provinces for the purpose of dealing with them and advising H.Q. if some situation arises which cannot be dealt with in the Region.

3. A letter written in unnecessarily panis stricken terms to the P.R.O. is not the proper way of communicating the position in Regions to this H.Q.

4. Briefly the situation appears to be as follows :-

- (a) When the C.L.O. visited you last month and just after the new system was introduced it was agreed that it must be given a fair chance to run.
- (b) On the first fortnight showing it appears that the system will require additional stimulus if not revision.
- (c) With regard to the recommendation made in your 2201/61/3 dated 11 May para 5 (a) please instruct Major Franklin to discuss this matter with General Traina and let us have his proposals for amendment of the Penal Code. In this connection you may inform General Traina that the Chief Commissioner sent a priority cable to A.F.H.Q. on 13 May asking that he (General Traina) be permitted to go to North Africa with a view to obtaining the release of some P.O.W. but no reply has been received and he should not therefore expect any immediate personnel from this source.

(d) With regard to the situation at Bari President Guano and Procuratore Generale De Santis were due to visit the Minister on the 18th May

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3. A letter written in unnecessarily plain stricken terms to the P.R.O. is not the proper way of communicating the position in Regions to this H.Q.

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(a) When the C.L.O. visited you last month and just after the new system was introduced it was agreed that it must be given a fair chance to run.

(b) On the first fortnight showing it appears that the system will require additional stimulus if not revision.

(c) With regard to the recommendation made in your 2201/61/p dated 11 May para 5 (a) please instruct Major Franklin to discuss this matter with General Treins and let me have his proposals for amendment of the Penal Code. In this connection you may inform General Treins that the Chief Commissioner sent a priority cable to A.F.H.Q. on 13 May asking that he (General Treins) be permitted to go to North Africa with a view to obtaining the release of some P.O.W. but no reply has been received and he should not therefore expect any immediate personnel from this source.

(d) With regard to the situation at Bari President Ouano and Procuratore Generale De Santis were due to visit the Minister on the 18th May but so far have not arrived. I propose at today's meeting with the Minister to ask him to appoint an Inspector to investigate the position there as soon as possible.

(e) I shall myself come over on Sunday 4 June to Motere and I shall be glad if you will arrange for me to meet the officials at Bari on Monday morning 5 June.

Franklin
 FRANKLIN R. UPJCHN.
 Colonel
 Chief Legal Officer

Copy to : Executive Commissioner. ✓

HEADQUARTERS

27 MAY 1944

A. C. C.

785017

2678
PUBLIC RELATIONS BRANCH
ALLIED CONTROL COMMISSION

Recd

PRB 16.

25 May 1944.

Subject: Legal Situation in Apulia.

To: Executive Commissioner.

I would be most grateful if you would let me know before you write letters such as the attached. I stressed in my minute to you on the subject that we wish to encourage and not discourage the transmission of information to this department. Cousins' report was NOT written for the IRO "for reasons unknown" but because Colonel Upjohn kindly issued a minute (copy attached) which you have already seen and which has been of the greatest assistance to us. You now throw the biggest possible spanner into the works. This Branch can surely be trusted not to put out information which isn't suitable, but if the sources of its information are stopped, Heaven help it. If conditions are bad, we need to know about them just as much - if not more - than if they are good, in order to try to forestall criticism. I hope you will put this right with Colonel Zellars and Colonel Upjohn and do your best to see that the very useful reports of Legal Officers are not stopped as a result of your action.

Is (She to C. Willmer)

P.A.

Lionel Fielden

LIONEL FIELDEN,
Major,
Public Relations Director.

2057

Decl

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control and Military Government Section.

Ref: 267/5/CA.

23rd May 1944

SUBJECT: Legal Situation - Apulia.

TO : Regional Commissioner,
Region II.

1. The Public Relations Officer has shown to me a minute addressed to him (No. 2201/75 of 20th May) by the Regional Legal Officer, Region II.

2. The minute, if it conveys a true state of affairs, testifies to conditions which require instant enquiry. In particular it is alleged that 5 Allied soldiers have been killed (presumably by civilians) during a period of abandon.

3. If this state of affairs is true it is clearly the duty of the Regional Legal Officer to report the matter to you and I should be glad if you would report on this minute, written for reasons unknown to the P.R.O., and the methods you intend to employ in order to combat the evil.

MSL/JG.

M. S. Lusk
Brigadier,
Executive Commissioner.

Copy to: Chief Legal Officer.
Public Relations Officer.

2652

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.

Ref: 267/3/GA.

23rd May 1946

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MSL/JD.


Brigadier,
Executive Commissioner.

Copy to: Chief Legal Officer.
Public Relations Officer.

LEGAL HEAD OFFICES
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

CCW/ST

ACC/4008/2

20 March 1944.

SUBJECT: Publicity and Propaganda.

TO : ALOs (LAW HQ) Regions 3, 4, 5.
ALOs (LAW HQ) 3rd & 8th Armes.

1. The Legal Subcommission is anxious to arrange for a systematic supply of information to the Public Relations Officer to form a basis on which the PRO can launch a campaign of defoliant publicity against black market activities through the newspapers and PWs. For this purpose the PRO asked for the following returns from all Regional legal divisions:

(a) Weekly summary of the number of cases tried for black market violations, the number of convictions and the length of the average sentence and amount of goods confiscated;

(b) Particulars of outstanding cases of big violators whose crimes are more sensational and whose capture and subsequent conviction reflects credit on the law enforcement machinery of the Allied Control Commission.

2. While I am anxious to give all possible assistance to the PRO on this important matter, it is not my wish to add to the work of legal divisions by calling for additional returns, but I ask you to treat this matter as important and to make from time to time such returns as may be possible without placing an undue strain on your existing facilities and staff. If you cannot make the returns under (a) please at any rate do so under (b).

3. Please send the returns direct to Major L. Fielden, Public Relations Officer, ACC, Naples, as from the week ending 1 April 1944, who will arrange for their dissemination in Allied and Italian newspapers and through PWs.

4. Apart from the special cases of black market cases, any trials of interest and importance, with particulars containing the name of the accused, short description of the facts, verdict and sentence should from time to time be communicated to Major Fielden for publication in the most suitable manner. Please bear in mind the following principles:

(a) It is a good plan from the point of view of publicising the fairness and impartiality of Anglo-American justice to ask the PRO from time to time to insert an account of a trial which ends in acquittal, showing why the accused was acquitted.

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(a) It is a good plan from the point of view of publicising the fairness and impartiality of Anglo-American justice to ask the P.W.B. from time to time to insert an account of a trial which ends in acquittal, showing why the accused was acquitted.

(b) While there is no objection to publicising a forthcoming trial, it is on the whole better to concentrate on trials which have been held. In this connection publicity should not be withheld until the case has been reviewed. If, for instance, a death sentence is imposed, this might be reported first at the conclusion of the trial and secondly when the accused is executed.

5. P.W.B. has at its disposal a mobile loudspeaking unit in addition of course to broadcast facilities and they are anxious to arrange for propaganda to combat crime and disorder in various parts of Italy. Will R.I.O.s and S.I.O.s any please transmit to the P.W.B. particulars of any special crime problems with which they are faced in any particular areas (e.g. Black Market in Naples, wire cutting in any area, breach of curfew regulations in Foggia) so that P.W.B. can arrange for suitable propaganda to combat the most prevalent crimes in particular localities. The P.W.B. will then arrange with P.W.B. for appropriate propaganda in the particular locality.

6. Generally, in publicity matters, RIGs & SIOs Army will deal direct with the P.R.C., but on no account will cinematograph or sound recordings of actual court proceedings be permitted.



G. R. UTCHER
Colonel
Chief Legal Officer.

Copy to: HQ (thru RC) Regions 1, 2, 5 (to note para 5)
2 Copies HQ (1 for Col. Warren 1973)
Your TEL 16 dated 28 March is acknowledged.

785017

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control and Military Government Section.

REF: P67/3/CA.

23rd May 1944

SUBJECT: Legal Situation - Apulia.

TO : Regional Commissioner,
Region II.

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3. If this state of affairs is true it is clearly the duty of the Regional Legal Officer to report the matter to you and I should be glad if you would report on this minute, written for reasons unknown to the R.L.O., and the methods you intend to employ in order to combat the evil.

MSI/30.

M. S. Luss
Brigadier,
Executive Commissioner.

Copy to: Chief Legal Officer.
Public Relations Officer.

b/h
Noted 29/5
2050
2

Executive Commissioner.

I think you should see the attached report which Cousins has sent me. While I am grateful to him and to others who are kind enough to send us reports — and I don't want to discourage them — I can't obviously use this for publicity! If we get an improvement I would perhaps use it as a comparison. Reaching an improvement seems to be his first priority!

Richard

May. 22

20 May 1944

Subject:- The Legal Situation in Agria

To :- Public Relations Branch H.Q. A.C.C. -
TAVES

Copy to C.I.O. Legal Subcommittee - VALERO -
Copy to D.C.

2. From the time of the Armistice the Apulian Provinces were never subject to AMG. A supervision, necessarily perfunctory, was exercised by a mere handful of AMG officers, which included no member of the Legal Division.

Consequently the population revelled in licenses and immunity.

2. On 11.2.44 Region II took over four Apulian provinces, but it was not until the end of the month that winding up of AMG in Calabria, admitted of the appointment of a Legal Liaison Officer in Apulia, in the person of Major A. S. L. Franklin. In him, AGC has been fortunate. He is the very man for the job. It soon became obvious that this task was far beyond the efforts of one man. Situated at Taranto, he was given two assistant Legal Officers, at Bari and Brindisi respectively.

3. Besides innumerable contacts to be made with the Italian judicial hierarchy, personnel of the British District and Subareas, domestic difficulties had to be overcome, such as office accommodation in towns filled beyond saturation, and the impossibility of obtaining clerks or typists.

But by mid March, the plans had been drawn for the machinery with which to cope with a task for which there was no precedent.

4. Of offences affecting Allied interests, the picture presented was of a staggering number of cases of pilfering and receiving stolen property. Individually trivial, in aggregate these represent a serious drain on the war effort. Estimates of daily loss to the Allied cause have been as high as £10,000, and none lower than £10,000.

Cf more serious cases, there have been comparatively few, but

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Of more serious cases, there have been comparatively few, but there are 5 cases of killing of Allied soldiers during the period of complete abandon, which yet remain untried.

5. To cope with such circumstances, a register was opened at each of the four Apulian ports. In those were entered particulars of all offences affecting Allied interests which had occurred in the past 5 months, and those still occurring. The registers are so devised as to enable the progress of each case to be noted until final judgment.

The variety of sources of such information, and the irregularity with which returns were received made the work very slow.

But by the end of April, 2850 cases had been registered and only some 700 had been tried.

(continued)

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HEADQUARTERS

22 MAY 1944

AFC

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6. By agreement between ACC Hd Qrs and the Ministries of War and Justice, is the Procuratori del R. who receive notification of all fences, and who determine a which shall be tried by the Italian Civil, and which by the Italian Military tribunals under Article 15 of the Criminal Code of War.

Contrary to expectation, it is the Civil Tribunals who have so far proved more diligent in trying cases, than have the Military. Alone at Bari, the position is just the reverse.

7. Great difficulties have been encountered, born of Italian law, procedure and temperament. On recommendations from Region 2, every effort has been made by Hd Qrs ACC, and with success, to curtail some of the worst features of the cumbersome law and procedure, but that is not easy and it is slow. The multiplicity of judges deemed necessary to function in any trial, constitutes a serious drag in a country where judicial personnel is far below requirements. And the Italian lethargy and apathy is not wholly surmountable. At Bari, for instance, in answer to profound dissatisfaction expressed by the RLO that only 5 cases had so far been tried in the Civil Courts, the Primo Presidente solemnly protested that judges, who were mostly over 50 years of age, could hardly be expected to hold Court for more than 4 hours a day. Indeed, it would be some progress, if they spent even that! The CIO is being requested to secure removal of the official in question, but in view of the paucity of judges, it will merely mean he will have to be reemployed elsewhere.

Again from the time of his induction on 8.3.44 to 23.4.44, the President of the Court of Appeal at Potenza elected to absent himself on holiday.

8. The duties of the legal liaison officers are arduous and manifold. The registers demand considerable office work. Important trials have to be attended in person, and every sentence imposed has to be scrutinized. With exceptions, these are not on the whole unsatisfactory. Weakness in the Italian law and personnel have to be ferreted out and reported for cure if possible by Hd Qrs ACC in conjunction with the Italian Government.

Since the situation is largely one of public safety, close liaison is necessary with the various police authorities who British and American have been most cooperative. The press is utilized, and weekly reports of trials and sentences imposed are published in the local journals as a deterrent to the population at large. But perhaps above all, there has to be almost daily contact with the Italian judicial authorities both

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Since the situation is largely one of Public safety, close liaison is necessary with the various police authorities who British and American have been most cooperative. The press is utilized, and weekly reports of trials and sentences imposed are published in the local journals as a deterrent to the population at large. But perhaps above all, there has to be almost daily contact with the Italian judicial authorities both Civil and Military. It is only by encouragement married to grave concern (of the Victorian model), that the Italian officialdom can be galvanized into a semblance of life.

9. But from the beginning of May statistics are becoming available, and they give cause for no complacency.

(a) Old cases affecting Allied interests which have actually been registered number 3517, but another 930 yet remain to be scrutinized and registered. And of this total, only 1016 have as yet been tried.

(b) In the week preceding 1st of May, arrests and charges were approximately 400, so that the period 1st to 15th May should be considered as relatively quiet, since only 283 were reported. As against this, Italian courts tried only 279 cases in the same fortnight.

Admittedly, one trial often involves a considerable number of

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jointly accused persons, but even so, it is glaringly obvious that no appreciable headway is being made in clearing off the vast arrears of old cases affecting Allied interests.

10. After consideration, the Chief Commissioner has ordered the trial by AMG Courts of two cases - one of Security, and one of robbery of American mails on the 10.4.44. In the light of such precedent, there are likely to be at least three others. It is admitted this decision is welcomed by Region 2 for psychological reason.

But short of general reimposition of AMG Court, which would mark so flagrant a retrogression from ACC policy and interests, there is but one course that can be advocated to deal with petty crimes. It is the alteration of Italian law and procedure, to admit of innumerable Summary Courts consisting of a single Staff Officer (as opposed to the present 5 in a Military Tribunal) and one representative of the Ministero Pubblico, armed with adequate powers of punishment for offences against Allied interests.

And now will have to be tackled, the long unsolved problem of the Civil prisons. At present every jail in Region 2 is crowded beyond all limits. Bari jail, for instance, has a capacity of 750 and inmates amounting to 1666, several of whom are in the tertiary stage of syphilis.

11. Otherwise, the present impasse cannot fail to become universally known, and the consequences of that are obvious.

Please God the Allied Armies will sweep on, and to some extent the difficulty of the situation may pass with them.

Higher authority alone can assess the importance to be attached to any immunity from crime at the four Apulian ports.

BK Cousins
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