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ACC

10000/109/1559

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LEGAL CONFERENCES
MAY 1944

To Executive Commission

CONFIDENTIAL

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 594

ACC/4013/4/1. /rlp.

5 May 1944.

NOTES OF MEETING OF LEGAL SUB-COMMISSION & RLOs

HELD AT NAPLES 1 MAY 1944

PRESENT:

Col G.R. Upjohn	- CLO	- HQ ACC
Lt Col R.H. Wilmer	- DCLO	- HQ ACC
Col R.G. Willmer	- RLO	- Region 4
Lt Col W.E. Behrens	- RLO	- Region 5
Lt Col John W. Chapman	- RLO	- Region 3
Lt Col P.E.S. Cousins	- RLO	- Region 2
Lt Col J.L. Willis	- Spec Prosecutions	- HQ ACC
Wing Comd. H.M. Dickie	- GLO	- AMG HQ 5th Army
Maj R.G.S. Alexander	- RLO	- Region 6
Maj I.G.H. Campbell	- A/CJO	- HQ ACC
Maj M.J. Greenman	- Chief Counsel	- HQ ACC
Maj G.G. Hannaford	- Officer i/c Italian Branch-	HQ ACC
Maj R.C. Hendrickson	- LO	- CAS
Maj R. J. Mercer	- SLO	- AMG HQ 8th Army
Maj A.R. Thackrah	- Ital Branch	- HQ ACC
Maj A.P. Trowell	- DRLO	- Region 5
Maj C.A. Barlet	- DRLO	- Region 3
Capt F.L. Vecchiella	- RLO	- Region 1
Capt W.C.S. Oates	- DARLO	- Region 4
Capt. D.C. Little	- RLO	- Region 7

1. New Military Courts Handbook.

a. Date of Commencement, 15 May. CLO informed the meeting that the new Military Courts Handbook was in course of printing; proofs of same were hand around to those present. He stated that it had been found necessary to make one or two amendments to the proof (particularly Articles 3 (1) and 13), but that final copies would be in the hands of RLOs and SLOs by 7th May. He enquired whether this would give Regions and Armies sufficient time if the dat for commencement of the Handbook was 15 May. It was unanimously agreed that this would be a convenient date for commencement.

The Acting CJO ran through some points of general interest, i.e., points which RLOs and SLOs would probably want to include in any instruction ther may give to legal and other officers. Lt. Col. Behrens pointed out tha [illegible] on this form for

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Maj I.O.H. Campbell	- A/CJO	- HQ ACC
Maj M.J. Grossman	- Chief Counsel	- HQ ACC
Maj G.C. Hannaford	- Officer i/c Italian Branch	HQ ACC
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Maj R. J. Mercer	- SLO	- AMG HQ 8th Army
Maj A.H. Thackrah	- Ital Branch	- HQ ACC
Maj A.P. Troxell	- NPLO	- Region 5
Maj G.A. Ruplet	- IPLO	- Region 3
Capt F.L. Vecchiolla	- WAO	- Region 1
Capt W.C.H. Gates	- DAPIO	- Region 4
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The Acting CJO ran through some points of general interest, i.e., points which HLOs and SLOs would probably want to include in any instruction they may give to legal and other officers. Lt. Col. Behrens pointed out tha he noticed, with regard to Form 8, there was only 1" space on this form for the whole of the evidence for the Prosecution. The Acting CJO stated this h already been noted for amendment in the final edition. The CJO stated that thought that the Handbook in its final form should prove to be a great asset to all concerned.

b. Directives and Lectures by HLOs.

CJO stated that he hoped that HLOs would issue directives and give lectures in their regions before the date of commencement. Acting CJO would be available to help, particularly in Naples.

c. Discretion as to forms. Discontinuance of Summary Court Record Book

Acting CJO stated that HLOs and SLOs would have to use their discret as to the use of forms; but that the prompt discontinuance of the Summary Cou Record Book was most important.

DISPATCHED 7 MAR 1944 DEAR HQ. A.C.C.

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d. Translation of New Rules of Procedure.

Acting CJO stated that the translation of the new Rules of Procedure w now in the hands of the printer and that he hoped that copies would be available for distribution with the new Military Courts Handbook. The CLO stated that in view of the great shortage of paper, the cost and labor involved, he would be glad if RLOs and SLOs would cut down their requirements of the translation of th new Rules of Procedure to the minimum.

e. Number of copies of Handbook and Italian translation of R.P. required.

Figures were supplied to Acting CJO as to number of these publications required by Areas and Regions. It was agreed that copies of the Rules of Procedure should be made available more through Bar Associations and Courts rather than by Lavish personal issue to advocates, and numbers asked for by Regions and Areas were compiled on that basis.

f. Fines. Payment and Imprisonment in Default.

The CLO again stressed that whenever a fine is imposed, the Court must always specify (1) the time within which it must be paid, and (2) the term to be served in default, and urged RLOs and SLOs to emphasize this point in their instructions.

2. Personnel.

a. Promotions.

The CLO stated that he understood that all promotions had now been decid ed upon so far as AMG was concerned and had been sent back to the appropriate Echelon. Nothing further could be added concerning this matter at this meeting.

b. Reduction of Personnel to 61. Consideration of names.

The CLO stated that further to the discussion on this subject at last month's conference he had managed to get, provisionally, the ceiling of legal officers fixed at 61 but a reduction to 56 might later be forced upon them. He stated that this meant that he would require the names of 8 legal officers who were least likely to be missed by Regions from RLOs immediately after the meeting and that it might be well to have a reserve of 2 or 3 more just in case the ceiling was reduced to the original figure of 56. The DCLO would see RLOs Regions 3, 4 and 5 about this matter privately after the meeting.

c. Appointment of Legal Liaison Officer with Procuratore Generale Militare

The CLO informed the meeting of the decision to appoint Legal Liaison Officer with Procuratore Generale Militare, Gen. Tranie, at Ostrini. He explained briefly his duties and stated that he felt that Italian Military Tribunals were not working as hard as the Civil Courts and he wanted Legal Liaison Officers in Regions 1, 2, 6 and 7 to get the Military Courts going and if any doubt [illegible]

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d. Personnel for CAS

The CLO asked Major Hendrickson the position and the latter stated that he and Col. H.G. Willmer were in agreement over the matter. Col. Willmer pointe out that although he was promised 16 bodies he was still deficient of 4 names to fill up this quota. CLO agreed that Region 4 should know who they would hav and asked DCLO to deal with this matter.

3. Policy re Italians of Jugoslav Origin.

The CLO referred to the letter recently sent out to Regions and Armies explaining the policy that was to be followed. He emphasised the policy laid

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down in this letter and explained why it was a very delicate matter and requested that should any case of this nature arise in any Region or Army area the matter receive great care and discretion.

4. Distribution of New Proclamations.

a. Number required by armies and regions.

The CLO stated that the distribution of these Proclamations was being pushed ahead as quickly as possible. Major Grossman stated that we should receive the proofs on Tuesday and all should be ready for distribution in 10 days time. Wing Comd. Dickie stated that this matter was most urgent and it was agreed that it should receive the highest priority. After some discussion it was agreed that an initial issue of proclamations should be made as follows, if possible by Saturday: 5th and 8th Armies AMG 5000 each, CAS 2000. It was also agreed that Regions 4 and 5 should have a reserve of 1000 each. 5th and 8th Armies AMG were asked to give to Major Grossman after the meeting their estimates up to the Rimini Pisa line.

b. Question of reposting in existing Army Areas and Regions.

After discussing the question at some length it was decided that the new Proclamations would only be reposted in the Anzio Beachhead.

5. Consideration of Draft General Order for Fascist Purge.

The DCLO stated that this General Order was still being worked on and asked whether RLOs could give him the name of an Italian lawyer who could speak English and understood our way of doing things who would be willing to come down to work on this Order with him. Lt.Col.Chapman stated that he had in mind a man who might be suitable and it was agreed that Lt.Col.Chapman should contact this man at an early date and would notify the DCLO of the result. The DCLO stated that he would press on with this order and endeavour to issue same as quickly as possible but that several Sub-Commissions were concerned in this matter which inevitably delayed the drawing up of the Order. He stated that he thought the new Italian Government would give every co-operation. DCLO then gave a short account of the main provisions of the Order.

6. Policy as to A.M.Courts in Unoccupied Territory.

The CLO stated that the Chief Commissioner was very much against holding Allied Military Courts in territory handed back to the Italian Government and preferred, whenever possible, that the Italians be left to do things themselves. He also reminded those present that the Legal Sub-Commission was very short of personnel. He stated that it was not the policy in all cases of stabbing of Allied personnel to hold a court but where death resulted a Court would probably have to be convened. He pointed out that at present the Chief Commissioner considered all cases personally. He stated he did not wish to discourage RLOs [illegible] but he

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7. Proposed Schedule for payment of interpreters, translators and clerks.

The DCLO briefly summarized the proposed schedule that had been drawn up for payment of interpreters, translators and clerks and which was distributed to RLOs and SLOs. There were no comments. CLO pointed out that the schedule would be sent to Regions thru the usual channels and the copy distributed today was for information only.

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8. Payment of Witnesses Fees and Expenses before AMG Courts.

The DCLO stated that witnesses fees and expenses should not be paid as a matter of course, owing to the difficulties and complications and also the likel abuse of that by the Italians, but that Zonal and Provincial Legal Officers, as illustrated by whatever done in Puglia, have power to authorise payment of actual expenses in specific cases to avoid undue hardship, although this should not be made widely known to avoid abuse of same. Such legal officers will have to make their arrangements with their own Finance Officers in this respect. (N.B Since the above discussion it has been decided to issue a directive in respect of this matter).

9. Hire of Army Trucks to Civilian Agencies in Regions.

The CLO stated that, as the meeting knew, 1000 army trucks were in course of loan to civilian agencies for the purpose of transporting civilian supplies and he anticipated this was a matter which might lead to a great deal of trouble He doubted whether Regional Transport Officers had realized what they were in fo when they loaned transport to civilian agencies in regions without properly drawn up contracts. He quoted for a possible example the case of a truck loan out which was lost or returned minus spare parts in which instance a Court of Inquiry would have to be convened. He stated that Major Grossman had prepared a draft agreement for the Economic Section whereby the Italian Government took over these trucks. Pending completion of this agreement he understood trucks were operated on a Regional basis and CLO asked RLOs who had Civilian Agencies operating these trucks in their Regions to see what agreement was in existence in order to save trouble at a later stage. CLO stated in conclusion that Major Grossman's draft agreement would be sent around to Regions and Armies to show them what Legal Sub-Commission had in mind.

10. System of Distribution of Directives to Regions.

The CLO stated that Col. H. G. Willner had suggested that Legal Sub-Commiss in sending out directives might send out sufficient copies for distribution to provinces. The meeting approved of this suggestion. The CLO stated that it would not always be possible, owing to lack of paper, delay caused in lithograp etc., but if RLOs and SLOs would state their present requirements of purely technical directives this system would be followed as far as possible in the future. A note of copies required was taken after the meeting had adjourned.

11. Consideration of Directive dated 19 April 1944 on Prostitution and V.D.

The CLO stated that a letter had been written to the Minister of Justice regarding non-granting of provisional liberty of arrested prostitutes pending trial and that a Directive had been prepared by the Minister of Justice which as far as could be expected. Major Hammford stated that the view of the Italian was that in the case of a German soldier who contracted V.D. the German Army either sent him to the front or stopped a months pay and this had achieved good results, and if the Allied Armies were not prepared to do this they must accept the consequence. Major Hammford then read the Directive received from the Minister of Justice to the Meeting and st

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Major Mercer desired to know whether any hospitals had been opened in prisons for treatment of diseased prostitutes; also the minimum time in which prostitutes could be cured of V.D. and Lt.Col.Chapman desired to know the attitude of the police in this connection. The CLO stated that these were really matters for the Public Health and Public Safety Sub-Commissions and he did not think these were matters for this meeting. It was generally agreed that no further directives from the Legal Sub-Commission on this subject were required for the time being.

12. Publicity of Court Sentences, etc.

(a) Espionage exclusively by H.Q., A.A.I. The CLO emphasized that publicity in all espionage cases would be handled exclusively by H.Q.,A.A

(b) Returns to PRO. The CLO stated that the PRO had complained that he had not been receiving as many returns for publicity purposes as he would like He stated that much greater use could be made of propaganda and added that the PRO was concerned with propaganda for radio as well as for the press. Wing Comd. Dickie pointed out that apart from spy trials he only had a few permit cases but CLO pointed out that returns as to permit cases and so on were just what the PRO wanted. CLO stressed the great importance of propaganda in combatting crime and urged MLOs to make returns of cases by numbers and with the facts in one or two more important cases where a class of case was becoming a local problem (e.g. permits in Foggia).

(c) Local Problems. The CLO handed round to the meeting certain poster that had been received from the Psychological Warfare Branch as examples of propaganda. Major Mercer stated that he had observed that some of the poster were beingdisplayed did not bear any authority and under such circumstances anyone might display posters. This was agreed and the CLO said that he would write to PWB forthwith suggesting that all posters and leaflets displayed should bear an authority proving that they were official.

13. Machinery adopted in Implementing Decree Laws in Occupied Territory.

Major Thackrah gave an account of the machinery adopted. Lt.Col.Chapman suggested that the usual channels of communication were being ignored as circulars in this connection went direct to Provincial Commissioners for onward transmission to Prefects. He also suggested that it often happened that as the packages were addressed to the Prefects it was known for clerks in the Provincial Commissioner's office to forward same to the Prefect without the contents having been perused by anyone in the Provincial Commissioner's office. The CLO promised to look into this matter and it was agreed that in future all circulars etc. concerning the Implementing of Decree Laws would be forwarded through the RLO to PLO for distribution to the Prefect and also that each Provincial Legal Officer should also have a copy.

14. Position with New Government - New Decrees.

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14. Position with New Government - New Decrees.

The CLO stated that he could not foresee what the attitude of the new Italian Government would be in the future but up to the present they had been helpful.

(a) Decree as to Bar Associations. The CLO stated that the Minister of Justice was working on this decree which was practically ready but had been held up temporarily on change of Government and it did not present any great difficulty. It was hoped that the decree would be published shortly.

(b) Royal Decree 88. Procedure for the appointment of Managers, Legal Representative, etc. to branches of companies, firms etc. having their seat in enemy occupied territory.

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Major Crawford stated that this DEL had just been rendered operative in AMG territory. Opposite and even conciliatory methods for appointing the above returned to officials had been followed to this date not only in the same region but even in the same province. This created disparities and doubt as to the bona fide of the appointments. The Italian Delegate in AMG notes considered that various appointments would not be valid, when the territory would be returned to Italian administration. The procedure set out in the decree was simple and should be followed and should be followed whenever the need of such appointments arose.

(c) Marriage of Members of the Forces. Major Crawford explained that this decree was being held up at the request of the Local Sub-Commission was endeavouring to get the Italian Government to allow Army Chaplains to perform marriage ceremonies. The Lateran Treaty appeared to be a great stumbling block but it was hoped that the present difficulties would be overcome in due course.

(d) Extent of Liberty. CMO gave particulars of the decree and said that same would be issued in the near future. He stated that for the purposes of occupation in Art. 7, July 10th would be taken as the date of occupation of all Sicily and Sept. 8th as the date of occupation of all Italy and that Italian Government would be issuing a directive on this matter shortly.

15. General Orders.

(a) Consolidation. CLO stated that work was proceeding on the revision and consolidation of General Orders. Wing. Comd. Diddie pointed out that the revision and consolidation of Proclamations would make necessary the revision of General Orders so as to conform them to the new numbers and content of the new proclamations. It was also suggested that priority should be given to the printing of General Orders 1 and 2 and CLO said this would be done.

Lt.Col.Chapman enquired what had happened in connection with the amendment to the Notice for Surrender of Firearms. The CLO stated this matter was in hand and the revised Notice would be issued as quickly as possible.

(b) Directive of Principles provided in Regional Orders. All HOs agreed that the powers delegated to Regional Commissioners by the Chief Commissioner were far from clear as also were their powers to delegate to Provincial Commissioners. After discussing this question at some length the CLO was asked to suggest that he should prepare for signature by Brigadier Lush a directive on the powers which have been delegated to Regional Commissioners.

16. Proposed Directives.

(a) List of Parties in Unoccupied Territory.
(b) Treatment of Officials in Occupied and Unoccupied Territory.

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(d) [illegible] [illegible] same would be issued in the near future. He stated that for the purposes of occupation in Sept. 7, Sicily would be taken as the date of occupation of all Sicily and Sept. 8th as the date of occupation of all Italy and that Italian Government would be issuing a directive on this matter shortly.

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16. Proposed Directives.

(a) [illegible] of Pardon in Unoccupied Territory.
(b) [illegible] of Officials in Occupied and Unoccupied Territory.

The CLO stated that these directives were practically ready and they would be issued at an early date.

(c) V.D. Treatment. A further directive in this respect had been sent by the Ministry of Justice to the Director of Prisons. CLO stated that this mainly concerned Public Health but would be sent around to legal officers in Regions and Areas in due course for their information.

(d) Medical particulars in stabbing cases before Italian Courts. The CLO stated that this directive applied only to unoccupied territory. In occupied territory the cases would be dealt with by AMG Courts. It was hope that this directive would be issued shortly.

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17. Date of next Meeting.

Monday the 12th June 1944 was provisionally agreed as the date for the next meeting, at which same would be held at G.I. Willmer's Office, Amra di Napoli, Naples at 0930 hours.

18. The meeting then broke into two sections (1) of DCAO and DCs to consider personnel (see para 2 (a) above) and (2) of DCs and officers 1, 2, 6, 7 under chairmanship of Lt.Col.Cousins to consider in detail directive on duties of legal liaison officers in occupied territory issued by CCAO to officers at the meeting (see JCS/1223/1 enclo 1 Tab A).

CARLTON R. VAUGHN.
Colonel,
Chief Legal Officer.

DISTRIBUTION.

Chief Commissioner (1)
V.P. Adm Sec. (1)
Executive Commissioner (1)
All Members (1)
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Carlo H. Ewell,
Colonel,
Chief Staff Officer.

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