

acc

10000112015679

NO 8

Military Personnel In Civilian Prison

opened. Ap 1944. Closed May 1944.

From m



Personnel In Civilian Prisons

ended May 1944 . From Mar. 1944 - TO: June 1944

4667
4711

No. 8.

Military Personnel in Civilian Prisons.

ENCL NO	PASSED TO	DATE RET'D	ENCL NO	PASSED TO	DATE RET'D	ENCL NO	PASSED TO	DATE RET'D
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35. Maj. Campbell.

4664-4711

Spent: April 14
 1945: May 14

Maj. Campbell

Sir, Please see encl. (35).

22 May 44.

Wm

Maj. Campbell

Sir, Please see encl. (38).

Wm

Col. Campbell

Sir, Please see encl. (39) - also refer to (39) Wm

U.S. CONFIDENTIAL
Equals British CONFIDENTIAL6805
/EST

(39)

CONFIDENTIAL

PRIORITY

MEMO FROM BROWNING

ACC REAR FOR PUBLIC SAFETY SUBCOM



AQ1290

JUNE 061230B

JUNE 070645B

Your 2851 of 4 June.

1. You have been misinformed.
2. My AQ8 of 23 May has been approved by Chief Commissioner and remains effective.
3. Italian Army penal battalions are not being or to be formed.
4. Italian Army feeds and guards its own prisoners sentenced to 30 days or less but will neither feed or guard longer term.
5. War Ministry (with which MEMO is the recognized channel) understands this policy completely and is putting it into effect.

DISTRIBUTION:

1 File
1 DSG Info
1 DCC "
1 Army "
1 P Safety ACTION

4711

U.S. CONFIDENTIAL
Equals British CONFIDENTIAL

U. S. CONFIDENTIAL
Equals British CONFIDENTIAL

(38)

T. A. R. G. / M. S. T.

1/04

2851

JUNE 041248B

CONFIDENTIAL

PRIORITY

ACC REAR

MEDIA

REF TWO EIGHT FOUR THREE OF TWO JUNE SUBJECT PRISONERS IN CIVIL JAILS COM AND YOUR
 REPLY AS ONE TWO SEVEN ZERO TO COL CAMPBELL OF THREE JUNE PD TO MEDIA FOR MAJOR GENERAL
BROOKING PARKER PERSONAL PARKER FROM ACC REAR FROM PUBLIC SAFETY SUBCOM FROM AND YOUR
SIGNED MACPARKER PD THE STATEMENT THAT MEMBERS OF ITALIAN ARMED FORCES ABSENT FROM ARMY
 FOR THREE ZERO DAYS ON ACCOUNT OF BEING IN JAIL ARE STRUCK OFF THE ACTIVE ROLLS OF ARMY
 AND THEREFORE BECOME A CIVIL RESPONSIBILITY IS NOT UNDERSTOOD PD THIS IS CONTRARY TO
 DECLARED POLICY OF THE COMMISSION AS AGREED WITH ITALIAN WAR MINISTER PD IN FACT COM
 ARRANGEMENTS ARE IN HAND BY WAR MINISTER TO FORM TWO PENAL BATTALIONS FROM ITALIAN
 MILITARY PRISONERS IN CIVIL JAIL PD IT IS AGREED THAT AFTER THREE ZERO DAYS CONFINEMENT
 THESE PRISONERS WILL BE PD ON THE CIVILIAN ROLLS COM BUT THIS DOES NOT MAKE MILITARY
 PRISONERS A CIVIL RESPONSIBILITY PD THE MOVEMENT OF THE FOUR SEVEN ZERO MILITARY
 PRISONERS FROM BARI TO TUTURANO AND THE PROVISION OF AN ITALIAN MILITARY GUARD THERE IS
 MOST URGENT PD THE EFFECT OF THE POLICY WHICH I UNDERSTAND YOUR SUBCOMMISSION TO REPRESENT
 WILL EFFECTIVELY PREVENT THE AMELIORATION OF THE PRESENT JAIL CONGESTION BY REMOVING THE
 ITALIAN MILITARY OFFENDERS WHO NUMBER APPROXIMATELY TWO ZERO ZERO ZERO

AUTHENTICATED:

J. J. ChioCCA
 J. J. CHIOCCA
 CWO USA
 Asst Adj

4710

DISTRIBUTION:

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- 1 Main Adj
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- 1 Army

6 June 44.
 Jue 8.

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 Equals British CONFIDENTIAL

C O P Y

TRANSLATION NO. 438 Manni

10 May 1944. (36)

MINISTRY OF WAR CABINET

TO: Lt. Col. Quin-Smith, ACC.
Salerno.

File No. 6227/11.

SUBJECT: Formation of units composed of detained soldiers.

In reference to the request made by the Army Sub-Commission of the ACC for the release from prison of detained soldiers, this Ministry is providing for the formation of special companies composed of these soldiers, to be later organized into two battalions and used for labour.

Since the solution agreed upon is in opposition to what is contemplated in the military penal code regarding serving sentences, a Royal decree has been drawn up, conferring to military judges the power to assign to these units those soldiers sentenced to serve a time of less than 3 years.

Hence the forming of these units will take some time.

Meanwhile steps are being taken for the organization of officers for said units.

In order to take out of jail also those condemned to more than 3 years imprisonment, we are looking into the possibility of concentrating these in an appropriate place.

For this reason we have asked the command of XII Army Corps, in accord with the local Allied authorities, to survey the Lipari Islands in order to find if it is feasible to form in the islands an appropriate concentration camp.

The soldiers that will be put in the afore-mentioned camp will retain their classification of prisoners.

The Minister.

(Verbal request manifested by attached memo to I.L. Section. All necessary background on "Civil Jail overcrowding" will be supplied by QS 412 and attached Admin. Section resume of 5 May conference (both in att. file)). J.I.M.

4709

Seen
ag.

37

Army Sub Com.
Lecce (35)

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

Ref/217/81/GA.

20 May 1944.

SUBJECT: Overcrowding of Civilian Prisons.

TO : Regional Commissioners, Regions I, II, III, IV, V, VI, & VII
SCAO's 5th and 8th Armies.

1. Overcrowding in civilian prisons throughout Liberated Italy has become acute.
2. The main causes of overcrowding are:
 - (a) Requisitioning of prisons by Allied Forces.
 - (b) Use of prisons for detaining Italian Military prisoners.
 - (c) Delay in dealing with prisoners awaiting trial.
 - (d) War damage to prisons.
3. Representations have been made by the Commission to the Allied and Italian Military authorities to release prison accommodation.
4. The Minister of Justice is being pressed to arrange for the release on bail of prisoners awaiting trial on minor charges.
5. The Minister of Justice has also been impressed with the necessity of having an adequate staff to deal with prison matters. He has also been advised to institute a system of inspectors to visit prisons.
6. Regional Commissioners are requested to inform this HQ as a matter of urgency what steps they have been able to take to rebuild or repair damaged prisons. Where it has not been possible to make arrangements locally, recommendations for rebuilding specific prisons should be forwarded to this HQ stating briefly the extent of the repairs and the relative priority. Arrangements will then be made by this HQ to secure priority of labour and materials.
7. The overcrowding of prisons must be regarded as an urgent problem. All possible steps to reduce overcrowding must be taken locally. Suggestions or recommendations are invited.

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4708

M. S. Lush

M. S. LUSH,
Brigadier,
Executive Commissioner.

Copy to: Regions VIII & IX.
Economic Section
Admin Section (4)
Public Safety Sub-Comm.
Army Sub-Commission.

21 May 44.
file

SUBJECT: Military personnel in civil jails.

501 (34)
Army Sub Commission, A.C.C.
Main Hq (MMIA)
LEQUILE (LECCE)
AQ/8
14 May 44.

L.O. Army Sub Commission,
Rear H.Q. A.C.C.
SALERNO.

Reference your QS 412 dated 9 May.

Proposals for the solution of this problem were forwarded by the Comd to the Chief Commissioner for consideration before presenting to H.Q. AAI.

tvs.FJN.

F. J. Noam.
Lt. Col .
A.A. & Q.M.G.

4707

TRANSLATION NO. 438 Bonanni

10 May 1944

(33)

Ministry of War Cabinet

TO: Lt. Col. Quin-Smith, A.C.C.,
Salerno.

File No. 6227/11

SUBJECT: Formation of units composed of detained soldiers.

5013

In reference to the request made by the Army Sub-Commission of the A.C.C. for the release from prison of detained soldiers, this Ministry is providing for the formation of special companies composed of these soldiers, to be later organised into two battalions and used for labour.

Since the solution agreed upon is in opposition to what is contemplated in the military penal code regarding serving sentences, a Royal decree has been drawn up, conferring to military judges the power to assign to these units those soldiers sentenced to serve a time of less than 3 years.

Hence the forming of these units will take some time.

Meanwhile steps are being taken for the organisation of officers for said units.

In order to take out of jail also those condemned to more than 3 years imprisonment, we are looking into the possibility of concentrating these in an appropriate place.

For this reason we have asked the command of XII Army Corps, in accord with the local Allied authorities, to survey the Lipari Islands in order to find if it is feasible to form in the islands an appropriate concentration camp.

The soldiers that will be put in the afore-mentioned camp will retain their classification of prisoners.

The Minister.

Verbal request manifested by all news to I.S. Sec.

All necessary background on "Civil Jail Overcrowding" will be supplied by Q.S. 412 and all Admin Sec. Memoirs of 5 May 1944. (both in att. file)

J. S. M.

4706

Copy sent to Admin Sec.

(F)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
.....

530 (31)
Q3412

9 May 1944

SUBJECT: Military Italian prisoners in civil jails.

TO : Army Sub-Commission, A.C.C. Main HQ (MMIA) LEQUILE (LECCE).

A meeting was held at Rear HQ. A.C.C. on the 5th of May. Representatives of the various interested Sub-Commissions were present also the Executive Commissioner and Lt. Col. PHILIPP from Army HQ. At this meeting Army Sub-Commission were asked to assist in this matter by

"taking steps with Italian Government to remove Italian military prisoners from civilian jails and prisons and place them in camps. (Prison or penal battalions)".

In April the Deputy Chief of General Staff, Comando Supremo informed me that orders were being issued to free civil jails from Italian military prisoners. The Ministry of War at an interview at A.C.C. Rear HQ. on the 5th stated that the Italian Army were forming 2 penal Bns. of which would go a long way towards removing the congestion. In view of the urgency of this matter he was submitting proposals in the near future. It would be appreciated if any necessary acceleration could be carried out and this office informed of the result so that HQ. A.C.C. can be informed.

In February last the Italian Government applied to use the TRIMITI Islands as a camp for military prisoners. This was not acceded to by Army HQ. who suggested that another location should be found. It was understood that as the LIPARI Islands had been used in the past for military prisoners the question of the location of a camp there would be investigated. On the 27th of April Gen. ROSSI in a letter to this office stated that the "Ministry of Navy has for some time been interested fully in reconsidering the possibility of meeting the use of those penal institutions". This appears to be as far as the matter has progressed.

I attach some data regarding the prisoners situation which was produced by Col. YOUNG at the above meeting. This for information.

Lt. Col.

(G. W. QUINSMITH)
Army Sub-Commission 4705
Advanced Headquarters

Encl. as above.

Q3/mms

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

4/5.1/AS.

6 May 44.

Action Points : reference meeting on Prison Accommodation held at
Rear Hq ACC APO 394 at 14.30 hrs 5 May 44.

Proposals for immediate improvement of prison accommodation situation.

1 Removal of Allied Troops from Italian Civil Prisons.
ACTION (by Adm Sec)

- a Press AAI to remove their troops from prisons and house them instead in camps in so far as is possible - emphasising that short sentence personnel particularly should serve in camps.
- b Contact should be made with U.S. Army to facilitate above.

2 Removal of Italian military from Italian Civil Prisons.
ACTION (by Army Sub Comn)

- a Take steps with Italian Government to remove Italian military prisoners from civilian jails and prisons and place them in camps. (prison or penal battalions).

3 Clearance of Prisons used for other purposes.

ACTION (by Adm Sec and PS Sub Comn)

Make representations to R.N. (through Naval Sub Comn) for clearance of these prisons - AUGUSTO Prison in particular and any others that may be in this category.

4 Repair of damaged prisons.

ACTION (by RC & MF Section)

Note will be sent to Regional Commissioners and orders issued by RC & MF that jail repairs will be given high priority. This will be cleared first with Works and Finance Sub Comns.

5 Hastening of Trials.

ACTION (by Legal)

Legal will take steps to investigate with Minister of Justice possibility of forming courts of non-professional judges for critical areas as a temporary emergency measure. (will make representations to Ministry of Justice on same). Will submit representation for the over all problem.

6 Forming of Labour Battalions.

ACTION (by PS Sub Comn)

Colonel Young was instructed to contact Lt Col Poletti and try this plan out

- personnel particularly should serve in camps.
- b Contact should be made with U.S. Army to facilitate above.
 - 2 Removal of Italian military from Italian Civil Prisons.
ACTION (by Army Sub Comen)
a Take steps with Italian Government to remove Italian military prisoners from civilian jails and prisons and place them in camps, (prison or penal battalions).
 - 3 Clearance of Prisons used for other purposes.
ACTION (by Adm Sec and PG Sub Comen)
Make representations to R.N. (through Naval Sub Comen) for clearance of these prisons - AUGUSTO Prison in particular and any others that may be in this category.
 - 4 Repair of damaged prisons.
ACTION (by RC & MG Section)
Note will be sent to Regional Commissioners and orders issued by RC & MG that jail repairs will be given high priority. This will be cleared first with Works and Finance Sub Comens.
 - 5 Hastening of Trials.
ACTION (by Legal)
Legal will take steps to investigate with Minister of Justice possibility of forming courts of non-professional judges for critical areas as a temporary emergency measure. (will make representations to Ministry of Justice on same). Will submit representation for the over all problem.
 - 6 Forming of Labour Battalions.
ACTION (by PG Sub Comen)
Colonel Young was instructed to contact Lt Col Poletti and try this plan out in Region III. (Persons with a three months sentence or less will be attached to Labour Battalions, will be fed, but not paid) and will thus work out ~~the~~ 4 sentences.)
 - 7 Possibility of using MONTBANCHIO Prison.
ACTION (by PG Sub Comen)
Matter to be taken up with AAJ with a view to using as a military prison.
 - 8 General Conclusion.
ACTION.
a Col Young must take from the meeting specific recommendations and contact proper Italian authorities.
b Future meeting will be held.
c A meeting with proper Italian authority will be held.

HEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

6 May 44.

Minutes of Meeting on Prison Accommodation held at Hear HQ ACC - 14.30 hrs 5 May 44.

Present : Brigadier Lush (Executive Commissioner)
Lord Stansgate (VP Adm Section)
Col A.E. Young (Public Safety)
Lt Col R.R. Cripps (Adm Sec)
Lt Col J.D. Philipp (AAI)
Lt Col G.W. Quin Smith (Army)
Lt Col R.G.B. Spicer (Interior)
Major R.A. Persell (Adm Sec)
Major A.B. Thackrah (Legal)
Major J.S. ~~Shakes~~ (RC & HD)
Major A.F. Wilson (Public Safety)
Capt A.J. Stewart (P.A. to Exec Comd)
Capt H. Young (Public Safety)

The meeting was called to order at 14.30 hrs.

- 1 Lord Stansgate discussed the reason for holding the meeting which was to arrive at a course of action to reduce the present overcrowding of Italian prisons. He stated that there were seven proposals for immediate improvement which he would have discussed immediately. He then asked Col Young (Deputy Director of Public Safety) to present the situation.

- 2 Col Young presented numerous figures which indicated that the condition is becoming serious; among them were these :

a

PRISONS

	ACC Territory	AMP Territory	Totals
Number of prisons (Penal & Judicial)	60	15	75
Maximum Accommodation	14, 804	2,666	17,470
Present Population	15, 840	4,093	19,933
Extent of overcrowding	1, 036	1,427	2,463
Italian Military Prisoners (included above)	1,720	64	1,784

b PRISONS REQUISITIONED.

In ACC territory.

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b PRISONS REQUISITIONED.

In ACC territory.

REGION	LOCATION	CAPACITY
I	AUGUSTO	400
I	ACIREALE	125
II	TARANTO	85
		610

REMARKS

Occupied by RN (Needs repair)
Occupied by British Army
Occupied by Br & Polish Armies.

4703

In AMB territory.

REGION 3:	BENEVENTO	50
	POGGIOREALE	400
	S. EPRAND	200
	S. MARIA CAPUA	50
	VETERE	100
	PORTICI	350
	NISIDA	100
	SAN SEVERO	100
		1,250
TOTAL ACC & AMB TERRITORY :		1,860.

Requisitioned.
Court Martial & Holding Centre
F.P.C.

American M.P.
British Detention Camp
British
Unknown

...../2

A.

(contin)

- 2 -

c DAMAGED AND UNUSED PRISONS

REGION	LOCATION	POSSIBLE CAPACITY
I	CATTANISSETTA	126
VII	PALMI	115
I	PAVIGNANA	550
	(Closed as unsanitary 156 places damaged)	
III	NAPLES	300
I	COLOMBIA	700
	(Repairs in progress to make 300 places available by June & remainder in 4 months)	
		<u>1,891</u>

d SUMMARY BY COL YOUNG

- i Civilian accommodation for Italian military prisoners should be forbidden.
- ii Use of Italian prisons for Allied Military prisoners should be reduced to the minimum, and their use for billets, for storage and billeting should be forbidden.
- iii Damaged prisons and those in disrepair should be surveyed without delay and steps taken to make them habitable.
- iv The Italian prison administration has failed to grasp the problem and to energetically pursue a definite plan. There is poor liaison between prison directors and the Ministry of Justice. Records kept are poor and there is apathy. Transport is lacking for making transfers.

ACTION: AGO to indicate a plan for the Ministry of Justice and assist in seeing that it is followed. This will include recruiting and training staff and provision of equipment where possible.

- 3 Lord Stansgate offered the first proposal; the removal of Allied Troops from Italian Civil Prisons.
 - a Lt Col Philipp (A.I.) feared that nothing could be done about that, although he thought that there would be no further requisitioning of prisons by the army.
 - b Brig Lush asked if it was not providential that prison buildings existed at all. He suggested that the military must have made plans which provided for premises exclusive of jail and building use.
 - c Lt Col Philipp (A.I.) did not know what these plans were but emphasized the necessity of using jails etc to provide the proper prison atmosphere which could not be obtained in field punishment camps, especially when long time prisoners were concerned.
 - d Lt Col Quin Smith suggested that prisoners with short sentences (under 12 months) be placed in camps.
 - e Lt Col Spicer stated that camps of 3,000 operated smoothly in Palestine and useful labour was performed as well by the inmates.
 - f Brig Lush stated that perhaps...

(290)

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e Lt Col Spicer stated that camps of 3,000 operated smoothly in Palestine and useful labour was performed as well by the inmates.

f Brig Lush stated that perhaps civilian as well as military prisoners could be disposed of as suggested in d above.

g Lord Stansgate summarised by suggesting two steps -

i We must take steps with AAI to see if they will remove their troops from prisons and house them in camps (those with short sentences of under 1 year).

ii We must communicate with U.S. Army to see if they can assist.

4 Lord Stansgate then offered the second proposal - Removal of Italian military from Italian Civil Prisons.

a Lt Col Quin Smith suggested the construction of large camps on an island.

b Lt Col Philipp did not concur.

c The LIPARI Islands were next suggested. However Col Young stated that two (2) penal battalions were being formed this month the details of which will be available later.

d Lord Stansgate stated that there were hundreds of the Italian military in Sardinian jails.

e Major Thachrah stated that the Legal Sub Comen have been trying to push trials over to military courts with no noticeable effect as yet.

f Brig Lush agreed that the utmost should be done to clear out the Italians from the jails.

g stated

Lord Stansgate that we must exploit -

i The use of prison camps

ii Take steps with the Italian Government to facilitate above

...../5

4702

29c

5 The next proposal - clearance of prisons used for other purposes - was presented by Lord Stansgate. This was agreed to in principle but will require further representations to AAI, with a list of prisons so used and in what manner.

6 Lord Stansgate then offered for discussion the fourth proposal.
Repair of damaged prisons -

a Col Young will make an additional report on progress.

b Col Young's first figures were discussed

c Lord Stansgate summarised by stating that -

i Jail repairs will take a high priority.

ii Note will be sent to RCs orders will be issued by RC & MI Section and will be cleared with Works and Finance Sub Commissions.

7 The fifth proposal - Hastening of trials was discussed -

a Major Thackrah stated that Legal is working very hard on this. Requires close co-operation between MPs and CCR initially - and they should patrol together which will increase speed of handling prisoners. He also stated that lack of transport hinders rapid trials.

b Col Young stated that those awaiting trial outnumbered those tried and something must be done about it.

c Major Thackrah stated that particularly in Sardinia we are short of legal officers. The Italians are aware of this but the difficulty is finding officials who will go to Sardinia. He added that courts must sit longer.

d Lord Stansgate said that this was an Italian problem.

e Brig Lush asked about the advisability of special courts, which were agreed to in principle. Prefects' Courts were discussed, composed of non-professional judges.

f It was decided that Legal would make recommendations for the over all problem.

N.B.

(Legal has made plans with respect to Sardinia which are attached herewith as an Appendix)

8 The forming of Labour Battalions was the next proposal offered for discussion by Lord Stansgate.

a Lt Col Spicer stated that both civil and military can form them with real benefit to all. He advised that the 3 months to 10 year men should serve therein. They can be made self supporting and can accomplish instructive work (on roads etc)

b Lt Col Quin Smith advised that the military have used these battalions.

c Brig Lush questioned we should try this scheme out first in AMG territory to see how it works out.

d It was decided that Col Young and Lt Col Poletti would try this out in Region III. (anyone with up to a three month sentence would labour without pay, but would be fed and attached to a Labour Battalion.

9 The next proposal discussed was - The possibility of using MONSABONCHIO PRISON
a Lt Col Philipp (AAI) stated that this was being used for Indians but that it was ruined except for a small part.

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9 The next proposal discussed was - The possibility of using MONSAROHLO Prison 4701 Lt Col Philipp (AAI) stated that this was being used for Indians but that it was ruined except for a small part.

b Col Young agreed, stating that it is in fact an Italian Military Prison Bldg. added that it is being repaired for use by military prisoners.

c Lord Stansgate remarked that this is a matter which must be taken up with AAI also.

10 Lord Stansgate closed the conference by stating that -

a Col Young must take from this meeting specific recommendations and contact the proper Italian persons concerned.

b That a future meeting will be held.

c That a meeting with the proper Italian authority should be held.

11 Meeting adjourned at 16.30hrs.

R.A. PERSELL,
Major Infantry.
Acting Secretary.

(29a)

APPENDIX TO - Minutes of meeting on Prison Accommodation held at Rear Headquarters
ACC -14.30 hrs 5 May 44.

Reference para 7. (NB)

Reference Hastening of Trials, the following is an excerpt from Minutes of Meeting with the Ministry of Pardon and Justice held on 3 May 44.

".... After an extensive discussion it is agreed that the following steps shall be taken :

- a The Ministry will submit to the Legal Sub Commission a list of judicial personnel held as PWs with as many particulars as to their present location etc as is possible. The list will also include avvocati and procuratori who served with military courts at the time of their capture. Their re-patriation will facilitate the release of civil judges at present serving on military courts for military service. The Minister will apply any possible pressure upon the Ministry of War to give priority to this personnel on their lists of PWs proposed for release.
- b 11 Or 12 uditori of Cagliari will be granted judicial powers by decrees which will be signed next Monday. A list of these officials will be communicated to this Sub Commission which will advise the Sardinian authorities by wire.
- c The Ministry shall by tomorrow communicate to the Legal Sub Commission four names of judges ~~serving at Naples~~ serving at Naples who will be promoted and sent by air to Sardinia.
- d The Ministry shall propose four names of uditori who will be given judicial status and take place of the four judges mentioned above under c
- e The Ministry will issue a Circular to Primo Presidente of /Cagliari authorising him to appoint avvocati and procuratori legali to judicial offices as a temporary measure."

4706

(28a)

IV

PRISON

Total present accommodation at disposition of AMO and Minister of Justice	17.470
Total present population	<u>19.933</u>
Excess	2.463

Accommodation taken by Italian Military Prisoners	1.704
Accommodation taken by Allied Military Prisoners and for other purposes	1.860
Extent of War Damage and Disrepair	<u>1.891</u>
Total Possible Recovery Available	5.535

(282)

Y

S U M M A R Y

Present position of lack of civilian prison accommodation is rapidly approaching a crisis which unless checked will seriously impair the work of AOC, and may even circumvent the administration of justice.

I believe there are four main and contributory causes:

- (1) Use of civilian accommodation for Italian Military prisoners. This should be absolutely forbidden.
- (2) Use of Italian prisons for Allied Military prisoners and for billeting and storage purposes. The first use should be reduced to the minimum and the second forbidden.
- (3) War damage to and disrepair of Italian prisons. These should be surveyed without delay and where practical the work put in hand as soon as possible.
- (4) The failure on the part of the Italian prison administration to grasp the problem and to energetically pursue a definite plan to put it right. The Inspectorate of Liaison between the prison directors and Ministry of Justice. Records poor and incomplete. Overcrowding no new problem to the Italians. Tendency to apathy. Transport needed to transfer from overcrowded areas to less congested ones. AOC to indicate a plan and to assist them to follow it. Recruiting and training staff. Provision of equipment.

4698

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/14215/PS.

1 May 44.

SUBJECT : Prison Accommodation.

TO : RC & MG Sec, PS, Legal, Interior & Army Sub Comen.

1 A meeting to consider this matter further will be held in Room 75 at 14.30 hrs on Friday, 5 May 44.

2 Attendance (a) The following will attend -

VP Adm Sec (Chairman)

Representatives of:- RC & MG Sec and the following Sub Comens.
Legal
Public Safety
Interior
Army Sub Comen

(b) A representative of "A" Branch AAJ is being invited to attend.

3 AGENDA

(a) Explanation of present situation by Deputy Chief Public Safety.

(b) Proposals for immediate improvement.

(i) Removal of Allied Troops from Italian Civil Prisons.

(ii) " " Italian Military " " " "

(iii) Clearance of prisons used for other purposes. AUGUSTO in particular, (used as a warehouse by Naval Authorities).

(iv) Repair of damaged prisons.

(v) Hastening of trials.

(vi) Forming of Labour Battalions

(vii) Possibility of using MONTESARCHIO Prison.

4697

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Legal
Public Safety
Interior
Army Sub Comen

(b) A representative of "A" Branch AAI is being invited to attend.

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(iii) Clearance of prisons used for other purposes. AUGUSTO in particular, (used as a warehouse by Naval Authorities).

(iv) Repair of damaged prisons.

(v) Hastening of trials.

(vi) Forming of Labour Battalions

(vii) Possibility of using MONTESARCHIO Prison.

(c) Proposals for future.

(i) No further requisitioning of prison buildings.

(ii) To consider the possibility of reducing the number of suspects and persons committed without specific charges by FSS, CIC and Port Police.

(d) Selection of representatives to meet representatives of the Italian Govt.

Copy to : Executive Commissioner
Naval Sub Comen (for comment on 3(b) (iii)).

File att.

(F)

R.R. King

STANSGATE,
VP Adm Sec.

4697

30 April 1944

TO: Italian Liaison Section.

(26)

1. All administration of justice in ITALY is being held up by the fact that military prisoners are crowding civil jails.
2. C.C. has expressed a strong desire to have this anomaly removed.
3. I asked Gen. INFANTE several weeks ago to take action. He stated he would do so and would remove military prisoners to detention camps, barbed wire cages etc.
4. TRIMITI Islands were definitely forbidden for operational reasons in Feb. and Comando Supremo asked to find another location. It was suggested to Col. ROSSI that LIPARI Island should be used. Since then nothing appears to have been done.
5. I would be grateful if you would impress on Gen. ROSSI'S office the urgency of setting up detention camps for military prisoners at once either on the LIPARI Island or in cages in the mainland, SICILY, SARDINIA etc.
6. I am convinced that a further delay in removing military prisoners from civil jails will incur severe displeasure of the Allied authorities.

4696

Translation No. 308 - Rosati

P.M. 15L

27th. April, 1944

SUPREME COMMAND

OFFICE OF OPERATIONS

File No. 12699/Op.

Subject: Tremiti islands as detention camps.

With reference to the communication dated 6th. February sent by the A.C.C. concerning the Tremiti islands, we wish to inform you that the said place is not being used as a detention camp, as the Commission intended, and that only the guarding personnel is there at present. (Name: AFHE said NO! we will (S. at the time.)

→ The Minister of the Navy previously contacted the F.O.L.I. in order to re-examine the possibility of letting us use those prisons, since the above-mentioned Minister, has met difficulties in satisfying its needs for prisons as it had to give up the jails of Brindisi and of Lecce, by a request of the Allies.

(Corrected translation of para 2.)

The Ministry of the Navy has for some time interested the F.O.L.I. in reconsidering the possibility of permitting the use of those penal institutions, in view of the fact that the ceding of the Brindisi & Lecce prisons, at the request of the Allies, has created a small gap in the above mentioned...

By order of the

Commanding General
(Silvio Rossi)

4695

sent by the A.C.C. concerning the Tremiti islands, we wish to inform you that the said place is not being used as a detention camp, as the Commission intended, and that only the guarding personnel is there at present. (N. in force: A.P. 112 dated Nov. 1, 1944, U.S. at the time.)

→ The Minister of the Navy previously contacted the F.C.L.I. in order to re-examine the possibility of letting us use those prisons, since the above-mentioned Minister, has met difficulties in satisfying its needs for prisons as it had to give up the jails of Brindisi and of Lecce, by a request of the Allies.

Corrected translation of para 2.

The Ministry of the Navy has for some time interested the F.C.L.I. in reconsidering the possibility of permitting the use of those penal institutions, in view of the fact that the ceding of the Brindisi & Lecce prisons, at the request of the Allies, has created a problem for the above mentioned Ministry.

helps att.

By order of the
Commanding General
(Silvio Rossi)

4695

to view 2 to another cell

Office of the 1st S. writes to the family to inform them immediately to evacuate service area for civil goods.

50 H.P.

(1)

PRECIS OF FILE

7 April 44

(23)

- (M) Proposal for and call of meeting, 7 Apr, 14:30 hrs. in Lord Stanagate's office, to discuss overcrowding of prisons.
- (A) Correspondence concerning Italian Military prisoners in Civil prisons:-
- 20 Jan, Public Safety SC to HQ, ACC - warning that Itals are placing military prisoners in Civil jails, thereby creating crowding problem.
 - 21 Mar, Public Safety SC to Brig. Duchesne - condition now requires imperative, effective action; 4 causes, viz., (a) prisons requisitioned by Allies; (b) delay in trial of civilians; (c) increasing crime; (d) Military Prisoners CC has acted on (a), Legal on (b), (c) is beyond us, and (d) is present problem.
 - 24 Mar, Stanagate to Min of Grace and Justice - suggest you collaborate with Min of War to remove military prisoners from civil prisons.
 - 24 Mar, Duchesne to CC - report on number of military prisoners in civil jails and request for policy as to rations for them.
 - 28 Mar, cable MMIA to Fatima - more figures on military prisoners.
 - 4 Apr, Duchesne to QS - expedite CC's answer.
 - 4 Apr, cable from MMIA - same
 - 5 Apr, QS to MMIA - in alleviation of condition, suggestion submitted that military prisoners be placed in cages
 - 6 Apr, QS to Sec'y Gen'l - Brig's letter of 24 Mar submitted to CC with recommendations.
- (B) The Italian side:-
- 15 Mar, Gen! Mercalli to QS - report on Judicial organization and overcrowding; repatriation of legal POWs proposed.
 - 6 Apr, above referred to MMIA - (NOTE - Legal will submit specific requests for repatriation.

4694

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

Army

(22)

ACC/14215/PS.

7 April 44.

SUBJECT: Prison Accommodation in Apulia.

TO : Executive Commissioner.

4423

7 APR

- 1 I convened a small committee this afternoon to consider the extremely urgent and very serious problem of the shortage of prison accommodation which has arisen in Apulia. Representatives from the following Sub Commissions were present:

Public Safety
Army
Legal
Interior and
Public Safety, Region 11.

- 2 The urgency of the position was much stressed and it was suggested that a committee be formed of the above Sub Commissions and a representative from HQ, AAI to meet their opposite numbers in the Italian Government, the Ministry of Justice, Ministry of Interior and the Comando Supremo with a view to deciding on the best arrangements to be made to alleviate the shortage. Probably after their first meeting the committee would be reduced to one or at most two members on either side.

- 3 If you see no objection I propose to give effect to this forthwith; would you like to be represented on this committee ?.

- 4 The meeting this afternoon also considered that:

(a) Derequisitioning by AAI. would help but not solve the problem.

(b) The use of the existing Displaced Persons Camp at Tuteuranno would go a long way towards solving the problem. You have been good enough to promise to ring up Col Kirkwood to see if it can be made available.

(c) The Italian Army could do much to help by moving their detainees out of existing civil prisons into Tuteuranno if available and into stockade camps. It was reported that the Comando Supremo had already given some orders to implement this policy.

4693

STANS GATE,
VP, Adm Sec.

(21)

QS/mtms

6 February 1944

SUBJECT: Use of Tremiti Island as site for detention camp.

TO : General Silvio Rossi, Chief of Operations Branch,
Italian Supreme Command.

I am directed to inform you that for operational reasons
the above location cannot be authorized for the purpose envisaged.
It is suggested that another site be selected and forwarded for con-
sideration.

For the Deputy President, Allied Control Commission:



Lt. Col.

(G. W. QUINSMITH)

*Col Quins Smith**C/S. To see.**What is this about?*

(2)

(3)

4692

3 FEB 1944 3428

SECRET

(20)

H.Q., A.C.M.F.

8653/7/BGSAllied Control Commission

Reference your memorandum dated 25 Jan 44 in which you forward an excerpt from a communication received from the Italian Ministry of War.

For operational reasons TREMITI Island is not suitable for the purpose in view. Will you kindly advise the Italian Ministry of War to this effect, and request them to choose some other locality.

1 Feb 44
JWM/JH

W. H. Martin
Brig Gen.
Lt.-Gen.,
Chief of General Staff.

(1)

(F) (2)

4691

Col. Quinn-Smith
(19)

MSL/JC/dfo

(4465)

SG 250.

10 April 1944

subject: Soldiers of Italian Army in Jail.

To: Director, Army Sub-Commission.

I refer to your 43214 of 6th April 1944.

1. I am directed by the Chief Commissioner to state that he has decided that all soldiers who are imprisoned whether awaiting trial or after sentence will be provided with the same rations as those issued to civilian prisoners.

2. The Chief Commissioner is glad to hear that steps have been taken to accommodate military prisoners and soldiers awaiting trial. He hopes that these arrangements will be completed as soon as possible in order to liquidate the congestion in the jails.

mf.-att.

ROBERT E. DOE
Major, A.C.D.
Secretary General

Col. Quinn-Smith
17 May 1944
MSL

4690

U.S. RESTRICTED OUTGOING
 Basic Data RESTRICTED

11 APR 1944

(18) ARMY 4543
 GS/MS

6/10

2603

APR

APR

RESTRICTED

ROUTINE

FATIMA REAR

MMIA

328

10/2028B

REFERENCE AQ NINE THREE ONE DATED ONE ZERO APRIL PD TO MMIA FROM
FATIMA REAR FROM QUINSMITH SIGNED MACFARLANE PD LETTER FROM
 CHIEF COMMISSIONER IS ON ITS WAY TO YOU PD BASIC MEMO WAS NOT
 RECEIVED IN CHIEF COMMISSIONER APOSTROPHE S OFFICE AND ON RECEIPT
 OF YOUR AQ EIGHT NINE SIX OF FOUR APRIL WAS COPIED HERE AND
 FORWARDED

AUTHENTICATED:

E. J. Chiocca
 E. J. CHIOCCA
 CWO, USA
 Asst Adj 

DISTRIBUTION:

1 Army SC -✓
 1 DCC
 1 DSC
 1 AG file

U. S. RESTRICTED
 Basic Data RESTRICTED

4689

U. S. RESTRICTED

Equals British RESTRICTED

APR 1948

(17)

ALLIED CONTROL COMMISSION INCOMING MESSAGE /msr

SVC/RELAY NO.

I/C NO :

CLASS: RESTRICTED

REF NO : AQ 931

PREC : PRIORITY

FILED : APR 100420B

FROM : MMIA

REC'D : APR 100845B

TO : FATIMA REAR FOR QUINSMITH

Via teletype

Ref MMIA Signal Aq896 dated 4 Apr. Subject is members of Italian Army
in goal. Please obtain answer from Chief Commissioner ACC to whom
MMIA G/6/1/32 dated 24 Mar was addressed.

DISTRIBUTION:

- 1 - AG
- 1 - DSG Info
- 1 - DCC "
- 1 - Army SC ACTION ✓

U. S. RESTRICTED

Equals British RESTRICTED

4688

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

QB/ams

Q8214

313 6 April 1944

SUBJECT: Soldiers of Italian Army in Jail.

TO : Secretary General, Main HQ. A.C.C., Naples.

Herewith copy of G/6/1/32 of 24 Mar. which you stated today had not been received in your office.

1. I had a signal yesterday from Army Sub/Comm., Main HQ. asking me to find out if there are any special reasons why they had not received an answer.

2. With regard to questions put to C.C., my own opinion is:-

a. Soldiers who are in prison but who have not been convicted must be considered a part of the Army for all purposes including rations.

b. Soldiers who have been sentenced:
This involves questions of status. Legally they are soldiers till their classes have been demobilised. On the other hand, we say they must be "effective" in order to qualify for rations. I do not consider a long-term prisoner is effective even though he still remains on Army rolls. It seems that we should set a period at which a prisoner is contractually considered ineffective for rations and, recommend six months as the dividing line.

3. In the British Service a man given imprisonment or penal servitude is usually discharged with ignominy and this automatically takes him off the Army books. On the other hand, for purely military offences, he is given detention (not in civil jail) which can be up to maximum of two years. In practice, however, more than six months detention is seldom given, imprisonment then being awarded.

4. If the C.C. agrees, I will inform Army Sub/Comm., Main HQ. or I can obtain an opinion from the Legal Sub/Comm. on the question of status.

5. I believe the C.C. is aware of the extreme congestion of civil jails by military personnel. It has been proposed that stockade camps be set up to take all short-term military prisoners and others awaiting trial. If this is adopted it will mean that, at most, only military prisoners sentenced to periods above six months will remain in civil prisons and will, in fact, be on civil rations.

W

Lt. Col.

(G. W. QUINSMITH)
Army Sub-Commission

1 Incl. as above.

Copy of this letter & Brig Puckridge's letter G/6/1/32 of 24 Mar with
and as amended by Cable SD 446 - To Pub. Safety, Legal, & Army (Main)
6 April.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Q3/mms

Q3211

5 April 1944

SUBJECT: Italian Military Prisoners in Civil Prisons.

TO : Army Sub-Commission, A.C.C. Main HQ (MMIA) LEQUILE (LECCE).

Reference letter sent to you (unnumbered) on 20 Mar. by Public Safety Sub-Commission, A.C.C.

The Legal Sub-Commission here have strongly represented the fact that unless some considerable proportion of the Italian military prisoners are removed from the civil jails, prosecution in the heel of Italy will be definitely held up.

I forwarded with Q3163 of 29 Mar. a copy of a letter (ACC/14043/PB) of 24 Mar.) from Administrative Section, A.C.C. to Ministry of Grace and Justice.

Region 2 have sent a representative of their Legal Sub-Commission to SALERNO with express purpose of pressing this matter. It is realised that long term military prisoners are probably not suited for detention in barbed wire cages. At the same time the majority of cases are all short term sentences and might be confined in camps.

Region 2 suggest that there are a number of cages which would be made suitable for military criminals around BRINDISI and TARANTO.

It is assumed that the organisation of military houses is in the hands of the Italian Army.

It is to be noted that in January, General ROSSI asked for permission to build a military detention camp on the TRIMITI ISLANDS. This was NOT authorised and it was suggested the Italian Army would select another location (ACC letter of 8 Feb.). Comando Supremo wrote to Ministry of Marine who said they would discuss it with Ministry of the Interior. No reply has yet been received by Comando Supremo for Ministry of Marine.

Lt. Col.

4686

(G. W. QUINSMITH)
Army Sub-Commission

5 APR REC'D

(14) 2750

ALLIED CONTROL COMMISSION	INCOMING	MESSAGE	/msr
SVC/RELAY NO.		I/C NO :	(438)
CLASS: NOT GIVEN		REF NO :	AQ 896
PREC : PRIORITY		FILED :	APR 041750B
FROM : MMIA		REC'D :	APR 050845B
TO : FATIMA REAR FOR QUINSMITH			Via Teletype

Obtain answer earliest to my G/6/1/32 of 24 March.

ref - ~~MR~~ folio 2 att.

MMIA will check

DISTRIBUTION:

- 1 - AG File
- 1 - ISG Info
- 1 - DCC
- 1 - Army SC ACTION ✓

4685

SUBJECT: Italian Soldiers in Jail

Army Sub Commission A.C.C. (13)
Main H.Q. (MMIA)
LEQUILE (LECCE)
G/19/4
1 Apr 44

Lt Col Quinsmith
Adv Hq Army Sub Commission
SALERNO

1. Please note the copies of 2 letters attached. These letters crossed in the mail.
2. An answer from the Chief Commissioner to our letter of 24 March would provide something to say to Colonel KIRK. At least an answer would give us something concrete to go to the Ministry of War. Therefore an answer from Gen McFarlane is very much desired.
3. Would you please hasten the matter as much as possible.

CGL.

[Signature]
Brigadier,
Army Sub Comm A.C.C.

4684

Q8181

1 April 1944

(12)

SUBJECT: Military Prisoners in Civil Prisons.

TO : Administrative Section.

(270)

Reference your ACC/14043/PS of 24 Mar. to
the Ministry of Grace and Justice.

As the subject referred to concerns the
Italian Army, we should be grateful if you would keep
us informed of any further action or correspondence
resulting in this matter.

Lt. Col.

(G. W. QUINSMITH)
Army Sub-Commission

250

4683

NR6/28

FROM: ROMIA 271200A
 TO : FATIMA FOR MACFARLANE
 SD446 27

6144

4291

ADDITIONAL TO OUR GEN/1/32 OF 24 MARCH. TOTAL IN BARI JAIL IS 608. IN TARANTO JAIL IS 125 IN MARTINA FRANCA JAIL IS 43. OF THESE 256 HAVE BEEN TRIED AND ARE SERVING SENTENCES. OTHER FIGURES TO FOL ON WHEN AVAILABLE.

SENT NR XXXX 28032 28/1147A
 REC NR 2 28/1147 A

ACC DISH

INFO: SENT GEN
 DEP CC
 CA BR
 PUBLIC SAFETY SC
 LEGAL SC
 ROMIA LO
 ARMY SC (Salerno)
 FILM
 FLOAT

see 10

250

4682

SUBJECT: Members of Italian Army in Jail

Army Sub Commission A.C.C.C.

Major H. (MIA)

LE BILIS (LACOM)

2/10/11/32

24 Mar 44

Chief Commissioner A.C.C.C.

Copy to: H. A. A. I.

A. A. I. (Adm Ech)

1. Information having reached this HQ that large numbers of Italian soldiers were held in jails, an investigation was initiated, and facts regarding three groups have been verified as follows:

a. In LACOM Jail

(1) Men tried and sentenced, penalties ranging from a few months to death

(2) Men awaiting trial for

desertion	114
insubordination	26
Theft	11
Murder	3
Misc	2

Total 150

b. In NICASTRO Jail

(1) Men tried and sentenced 41

(2) Men awaiting trial 17

58

c. In CATANZARO Jail

(1) Men tried and sentenced 6

(2) Men awaiting trial 44

50

d. In BARI Jail

Total held (unconfirmed) 200

2. The investigation so far developed the following facts:

desertion	114	
Insurrection	20	
Theft	11	
Murder	3	
Misc	<u>2</u>	150
Total		<u>369</u>

b. In NICAstro Jail

(1) Men tried and sentenced	41	
(2) Men awaiting trial	<u>17</u>	
	58	

at T. Rank 124
Medium from 4388
N. G. 1 dep. 1
late from 4388
convicted

c. In CATANZARO Jail

(1) Men tried and sentenced	6	
(2) Men awaiting trial	<u>44</u>	
	50	

d. In BARI Jail

Total held (unconfirmed)	700	
	<u>1477</u>	
	4681	

2. The investigation so far develops the following facts:

a. In addition to the numbers shown in para 1, above, an unknown number of Italian soldiers are held in other jails. The Ministry of War is attempting to secure the exact figures, and until the investigation was started by this HQ had no apparent knowledge of the situation.

b. Italian soldiers who have been convicted and sentenced are carried on the active rolls of the Army until their classes are demobilised, at which time they are transferred to civil authority. All of the Italian soldiers listed in para 1 a, b and c, above, are carried on the active rolls of the Army.

c. Italian soldiers in jail are included in the ration strength submitted to the Ministry of War to this HQ. Rations are issued to the jails by Italian Army Depots from stocks made available to the Italian Army by the Allies

2

(105)

3. Decision is requested as to the policy to be adopted:

- a. Are condemned soldiers to be considered as active soldiers of the Italian Army for the purpose of drawing Allied rations?
- b. Are Italian soldiers held in jail awaiting trial to be considered as active soldiers of the Italian Army for the purpose of drawing Allied rations?



Brigadier,
Army Sub Comm ACC.

ABC

4680

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

24 March 1944.

AGC/14813/PS

SUBJECT: Military Prisoners in Civil Prisons.

TO : Ministry of Grace and Justice.

1. Reports received indicate that prisons on the mainland in territory under the administration of the Italian Government are seriously over-crowded.
2. The reports indicate further that a major factor in this situation is the imprisonment of soldiers of the Italian army in the civil prisons. If the soldier prisoners were removed from the prisons, the congestion would be substantially relieved.
3. It is understood that it has never previously been the custom to confine soldiers in civilian prisons.
4. A request has been addressed to the Ministry of War to remove soldier prisoners from civil prisons, and to find some other accommodation for them.
5. It is therefore suggested and requested that the Ministry of Grace and Justice take such steps as may be appropriate with the Ministry of War in order to effectuate the removal of soldiers from the civil prisons.

R. H. Griffie
The Rt. Hon. Viscount Stansgate
Vice-President Administrative Section
Allied Control Commission.

Copy to Army S.C. ✓

Copy to 4675

*H. G. Griffie
Please tell us
if answer*

Sent - 29 MAR

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

22 MAR 1944

32
8a

21 March 1944

4399

SUBJECT: Italian Military Prisoners in Italian Civil Prisons.

TO : Brig. C. C. Dachesne, Army Sub-Commission.

21 MAR

1. The overcrowding of Italian prisons has reached such proportions as to make immediate effective measures imperative.
2. There are several factors which contribute to the existing conditions, among which are the following:-

(a) The requisitioning of Italian prisons by Allied forces for military purposes, including the confinement of Allied military prisoners.

(b) The delays in the trial of arrested Italian civilians by Italian courts.

(c) The increase in the number of criminal offences by Italian civilians.

(d) The use of Italian civil prisons for Italian military prisoners.

3. As to (a), the Chief Commissioner has by letter dated March 13, 1944 taken the matter up with Hq. AAI., which, while it will undoubtedly curb further requisitioning, will probably not result in the release of sufficient prisons to Italian control to alleviate the present overcrowding.

As to (b), the Chief, Legal Sub-Commission is endeavoring to bring about the more expeditious trial of cases by the Italian courts. This action will relieve the congestion only insofar as sentence to imprisonment is not imposed at the trial.

No marked diminution in (c) is foreseeable particularly in view of the concerted steps being taken in Black Market and prostitution prosecutions.

This brings me to (d). The acuteness of the overcrowded condition would be considerably relieved if Italian Military Prisoners were confined in a stockade or military prison camp. This proposal was earlier made in a letter sent to Hq. ACC, then at Brindisi, on 20 Jan. 1944, a copy of which is attached hereto, and to which no reply was received. It would be greatly appreciated if this matter could be brought again to the attention of the Italian Military authorities, for their consideration and action.

4678

22 MAR 1944

32 (84)

The advantage of having military prisoners under military control and discipline is obvious and needs no comment. The danger to health is likewise apparent.

Specifically, the BARI prison, designed to accommodate 705 prisoners, now has a population of 1401 of which 724 are Italian Military prisoners. The LEGGE prison with a capacity of 670 inmates actually is accommodating 727, of whom 320 are Italian Military Prisoners.

I realize the incongruity of the position in which we are placed; we ask the Italian Military to remove their prisoners from civil prisons on the one hand, whereas our military has requisitioned Italian civil prisons for the confinement of Allied Military prisoners on the other. Nevertheless, the need for prompt action to remedy the congestion is obvious; and the adoption of the suggestion made would place military prisoners under military jurisdiction where they properly belong.

I should be grateful if you would indicate to me the view which you and the Italian Army Staff take of the proposal.

PAUL G. KIRK
Colonel, Inf.
Chief, Public Safety,
Sub-Commission

RCK/hgd

4677

22 MAR 1944

(Y)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Public Safety Division.

20 January 1944.

SUBJECT: Place of Confinement of Italian Military Prisoners.

TO : Hq. ACC, Brindisi.

1. A report from the R.C.A.G. of Region II discloses that there are a number of soldiers of the Italian Army who are confined in Civil Prisons following conviction for offences against Italian Military Law.
2. The immediate effect of the continuation of the reception of such prisoners will be over-crowding of the institutions.
3. Other questions also arise:-
 - a. Custodial responsibility.
 - b. Rations.
4. It is assumed that the Italian Army normally would follow the practices observed in other armies, namely that military prisoners be segregated and placed in the custody of the military authorities and be rationed by them.
5. It is requested that the matter be discussed with the Italian Military authorities with the object of having them establish a military prison camp, preferably in King's Italy, to which all military prisoners now or hereafter to be confined could be transferred, placed under military guard, and fed from Italian military food stores.

4676

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

(6)
(10)
QS/mms

QSR13

6 April 1944

SUBJECT: Communications.TO : Army Sub-Commission, A.C.C. Main HQ (MMIA)
LEQUILE (LECCE).

Attached is a copy of letter from General
MERCALLI (Tribunale Supremo Militare).

a. Conversation referred to in the first
sentence was a conference called by the
Legal Sub-Commission here in SALERNO which
General MERCALLI attended.

With reference to PW (para 2) Legal Sub-
Commission have been asked to submit a list for in-
clusion in Comando Supremo priority lists.

W

Lt. Col.

(G. W. QUINSMITH)
Army Sub-Commission

1 Incl as above.

4663

TRANSMISSION by Pfc. Bousa, ni

June March 15, 1944

Section of Supreme Military Tribunal
For Liberated Territories.

TO: Lt. Col. Quin-Smith
Chief of Army Sub-Commission
A.C.C., Salerno.

Ref. No. 11/O.P.

SUBJECT: Communications.

In compliance with the wish you expressed in our recent conversation in Salerno I am sending you the information on to what has been done in connection with the questions discussed:

The Deputy General Military Prosecutor in this Section of the Military Court, Lt. Gen. of Military Justice Francesco TRAINA, under whose competency the discussed questions come, has assured me of the following:

1. For some time the Military Courts have been applying, with a complete spirit of collaboration, Art. 15 of the Italian Military Penal Code of War, paying particular attention to the equivalence of the state of co-belligerence.

However, they have given a broad interpretation to Art. 232 u.p. No. 1 of said Code, thus extending their jurisdiction even crimes committed by foreigners against the armed forces and at the expense of the Allies.

2. Unfortunately, however, a number of things hinder, and not slightly, the regular functioning of the Military Courts.

The territorial Military Courts of War now in operation are detached in the following areas: Naples, Bari, Taranto (with the Section of the Tribunal, in Lecce), Catanzaro, Oristano, Sassari, Sicily (in the process of organization).

The judicial personnel, with the exception of a small percentage of military magistrates of the Regular Army and of enlisted civilian magistrates, is very much under-strength.

It is for this reason that Gen. TRAINA has already informed the Comando Supremo of the necessity of requesting the freeing of army magistrates still held prisoner, that is, in order to fill the many vacancies in the Courts. However, almost no one has returned up to now. Besides, the jails at the disposal of Military Prosecutors are absolutely insufficient.

Furthermore, the Military Courts do not possess any means of transport. This causes considerable delay in the investigation that the magistrates have to conduct away from their headquarters, as well as in the operation of the Court.

4674

Copy MAIN - 6 APR.

(5b)

3. The replacement of Brig. Gen. MONTALTO, Prosecutor of the Tribunal of Bari is being studied by the General Prosecutor, Lt. Gen. TISINA, under whose authority are all the movements of the military magistrates, particularly because of the difficulty in appointing the substitute due to the deficiency of magistrates, already mentioned. At any rate, Gen. MONTALTO actually is not serving because he is on leave, convalescing from a recent and serious case of broncho - pneumonia.

4. At any rate, I have again urged the above mentioned General Prosecutor to call together again all the dependent Military Courts, so that in the future all denunciations which, according to Art. 15 of Italian Penal Code of War will be handed to the authority of the Italian Military Courts, will be despatched with priority over all the others, and with urgent procedure, and court proceedings carried out with a spirit of collaboration with the Allies, in accordance with the understanding reached with the higher Allied Commands.

I take this opportunity, Colonel, to ask you to call to Salerno the Deputy General Prosecutor with this Section of the Supreme Military Tribunal, Lt. Gen. of Military Justice Francesco TRAINA, whenever in the future the inter-allied Commission has to examine judicial problems concerning military justice and wishes to hear the legal opinion of Italian Military judicial agencies. Lt. Gen. TRAINA is the most competent man for this matter. From him depends the functioning of the Military Courts and all the personnel of Military Courts.

TRANSLATION

March 22, 1944

Supreme Command
Office of Miscellaneous Affairs

TO: A.C.C.
Army Sub-Comm. &
for info. Min. of
War - Cabinet -

Ref. No. 101889/A.U.

SUBJECT: Letter Ref. No. 11/O.P. in ref. to 696/5 of
March 17, 1944.

We are sending letter ref. No. 11/O.P. addressed to Lt. Col. Quin-Smith ~~and which we hope will be kindly returned to us.~~

By order of
Commanding General
Gen. Silvio Rossi.

Legal have it

Ret'd. 6 Apr.

4672


F/a
COMANDO SUPREMO

ufficio affari vari

Prot. N. 2/889/4U, Allegati 1

 p.m. 151/4A, 22 marzo
 di LA COMMISSIONE ALLEATA DI
CONTROLLO - Sottocommissione
Esercito - SALERNO

Risposta al foglio del

Div. Sez. N.

4307

OGGETTO: plico n° 11/U.P.

e, per conoscenza :

AL MINISTERO DELLA GUERRA
- gabinetto -
(rif. 696/5 del 17 corr.)

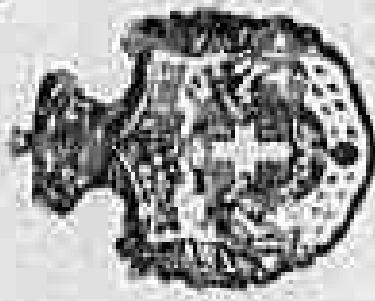
P.M. 107

Si invia, con preghiera di cortese recapito,
il plico n° 11/U.P. diretto al tenente colonnel-
lo QUINSMITH.-

d'ordine
il generale capo reparto
(Silvio Rossi)

Non.

4671



SEZIONE DI TRIBUNALE SUPREMO MILITARE
PER LE TERRE LIBERATE

Ostuni, 15 marzo 1944

Prot. N. 11 U.P.

Allegati

Risposta al foglio del

N.

Al l'ill.mo Tenente Colonnello

QUIN - SMITH

Capo Sottocommissione Esercito
Commissione Alleata di controllo

SALERNO

OGGETTO: Comunicazioni.-

In esito al desiderio espressomi nel nostro recente colloquio di Salerno le trasmetto, Colonnello, le informazioni circa quanto è stato fatto nei riguardi degli argomenti trattati.

Il Sostituto Procuratore Generale Militare presso questa Sezione di Tribunale Supremo Militare Tenente Generale della Giustizia Militare TRAINA Francesco, nella cui competenza rientrano le questioni trattate, mi ha assicurato :
1°)- I Tribunali Militari da tempo applicano con profondo spirito di collaborazione l'art. 15 del Codice Penale Militare Italiano di guerra considerando con particolare sentimento l'equivalenza di cobelligeranza con stato associato nella guerra.

Inoltre hanno dato interpretazione estensiva all'art. 232 u.p. n. 1 del citato Codice, e così estesa la competenza sui reati commessi da estranei alle forze armate in danno degli alleati.

2°)- Purtroppo, però, una serie di fattori inceppa non lievemente

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2°)- Furtroppo, però, una serie di fattori incepta non lievemente il regolare funzionamento dei Tribunali Militari.

I Tribunali Militari territoriali di guerra in atto hanno le seguenti dislocazioni : Napoli - Bari - Taranto (con sezione di Tribunale a Lecce) - Catanzaro - Oristano - Sassari - Sicilia (in via di costituzione).

Il personale giudiziario, ad eccezione di una lievissima percentuale di magistrati militari di carriera e di magistrati civili richiamati alle armi, è molto deficiente.

.../...

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Per questo il Generale Traina ha già rappresentato al Comando Supremo la necessità di chiedere la liberazione degli ufficiali magistrati ancora in prigionia, per colmare i numerosi vuoti esistenti nei Tribunali, ma finora non è rientrato quasi nessuno.

Inoltre le carceri a disposizione dei Procuratori Militari sono assolutamente insufficienti.

I Tribunali Militari, poi, non sono dotati di mezzi di trasporto e ciò inceppa, ritardando notevolmente, il movimento dei magistrati per le istruttorie fuori sede le notifiche degli atti ed in genere tutto il funzionamento.

3°)- La sostituzione del Generale di Brigata MONTALTO - Procuratore Militare di Bari - è in corso di studio per parte del Procuratore Generale, Tenente Generale Traina, cui spettano per competenza di carica tutti i movimenti dei magistrati militari, soprattutto per la difficoltà di nomina del sostituto, data la deficienza di magistrati suaccennata. Ad ogni modo il Generale Montalto presentemente non presta servizio, perchè usufruisce di due mesi di licenza di convalescenza a seguito di grave bronco-polmonite recentemente sofferta.

4°)- Ad ogni modo ho rinnovato al Procuratore Generale predetto la raccomandazione di richiamare nuovamente i dipendenti Tribunali Militari, affinchè per l'avvenire tutte le

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4°)- Ad ogni modo ho rinnovato al Procuratore Generale predeulto la raccomandazione di richiamare nuovamente i dipendenti Tribunali Militari, affinchè per l'avvenire tutte le denuncie che, a senso dell'art. 15 del Codice penale di guerra italiano saranno affidate alla competenza dei tribunali militari italiani, siano evase con precedenza su tutte le altre e con procedura d'urgenza e che i procedimenti giudiziari siano informati al più caldo spirito di collaborazione con gli Alleati, secondo gli intendimenti dei Comandi superiori alleati.

..//..

(38)

Colgo l'occasione, Colonnello, di pregarla per l'ay venire, qualora la Commissione interalleata debba esaminare problemi giudiziari interessanti la giustizia militare e ritenga di sentire il parere legale degli organi giudiziari italiani militari, di volere chiedere che sia chiamato a Sa lerno a tale scopo il Sostituto Procuratore Generale Militare presso questa Sezione di Tribunale Supremo Militare, Tenente Generale della Giustizia Militare Francesco Traina so pra nominato, che è l'organo piu competente in materia e dal quale dipende altresì il funzionamento dei Tribunali Militari e tutto il personale della Giustizia Militare.--

IL GENERALE DI CORPO D'ARMATA
(Camillo Mercalli)



4669

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

①

4390

ACC/4049/L

5 April 1944

SUBJECT: Prison Accommodation.

TO : VP Administrative Section.

5 APR.

I should be grateful if Lord Stansgate would convene a meeting of representatives of Public Safety, ^{Interior} Army and Legal Subcommissions in the next day or two to consider policy in regard to prisons (particularly in Apulia) with a view to making a recommendation to the Chief Commissioner in view of the gross overcrowding there.

Copy to: P.S. Subcommittee
Army "
Interior "

G. R. UPJCH
G. R. UPJCH, Colonel
Chief Legal Officer.

4668

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

4/6.1/AS

6 Apr 44

SUBJECT : Meeting.

TO : Directors of
Legal Sub Comm.
Interior Sub Comm.
Public Safety Sub Comm.
Army Sub Comm.

The VF Adm Sec desires to discuss the overcrowding of prisons and will be glad if you or a representative will meet him in his room for that purpose at 1430 hrs 7 Apr.

(Legal SC 4049/L of 5 Apr refers).

ref att.
S.H. White
S.H. WHITE, Major,
for CSO Adm Sec.

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