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Information Processing
Nov. 43 Dec. 43

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 512
LEGAL SUB-COMMISSION

AMS/4109

Subject:- Office of Director of Special Prosecutions.

To :- R.C.L.Os (thru RCACs) Regions I and II. 6th December 1943.

1. In order to achieve uniformity in prosecution and, as far as possible, uniformity in the imposition of punishments for all crimes deemed directly to affect special interests of the Allied Military Government, there has been established within the Legal Sub-Commission, this Headquarters, the Office of the Director of Special Prosecutions, Legal Sub-Commission.

2. The function of the office of the Director of Special Prosecutions is to supervise and, whenever necessary, to assist in or conduct all prosecutions, within the occupied territory, of crimes within the category described in paragraph 1.

3. Crimes within the category described in paragraph 1 are :-

- (a) All criminal acts of any kind or nature whatever, that are committed with the purpose or intent of aiding or assisting the enemies of the United Nations or of interfering with the operations of the Allied Forces.
- (b) All criminal acts which tend to bring about a substantial interference with the operations of the Allied Forces within the occupied territory, irrespective of the specific interest with which they are committed.
- (c) All acts of organized or mass violence or terrorism or of organized or mass resistance or opposition to the Allied Military Government or other lawfully constituted government or its representatives or agents.
- (d) Violation of Article V of Proclamation No. 7 of July 1943.
- (e) All violations of applicable laws, decrees, Proclamations, orders and regulations (hereinafter referred to as "black market cases") which constitute :-
 - (i) a diversion of essential commodities from legal channels by hoarding, transportation or sale through other than legal means;
 - (ii) an unlawful purchase or sale of such commodities at prices in excess of legally prescribed maximums.
- (f) All other substantial violations which in the judgment of the C.A.G., Legal Officer or C.A.E.O. having jurisdiction thereof

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- (f) All other substantial violations which in the judgment of the C.A.C., Legal Officer or C.A.P.O. having jurisdiction thereof are of such a nature or extent as to fall within the category described in paragraph 1.

4. Whenever cases of the kinds mentioned in paragraph 3, sub-para. (a), (b), (c), (d) and (f), or major black market cases arise, it shall be the duty of the C.A.C., C.A.P.O. or Legal Officer having jurisdiction :-

- (a) to report the case immediately through Regional Headquarters to the Director of Special Prosecutions;
- (b) whenever practicable in view of existing communication and transportation difficulties, to withhold prosecution of the offenders until advice is received from the Director of Special Prosecutions through Regional Headquarters to proceed with the prosecution.

- (c) To give all such cases special preferred and expeditious treatment, including to the maximum extent possible special investigative attention to make certain that all available evidence of the offence has been secured and all available individuals involved in the offence have been discovered and apprehended.

5. It shall be the duty of each Regional Headquarters to forward as soon as practicable all reports of the type described in paragraph 4 hereof to the Director of Special Prosecutions and, in any event, to render such assistance to the investigation and prosecution of offences so reported as the Regional Chief Legal Officer deems necessary.

Where, however, in view of the nature of the case so reported and the state of transportation and communication facilities, it is not deemed practicable to withhold prosecution until advice is received from the Director of Special Prosecutions, it shall be the duty of Regional Headquarters to take all necessary steps to ensure prosecution of the case in accordance with the policy defined in this directive.

6. All prosecutions for crimes that affect the interests of A.M.C. as defined in para. 3 hereof shall be brought before A.M. Courts.

7. The procedure described in para. 4 hereof shall be followed in all cases of any nature whatsoever, if it seems likely that the prosecution is to be brought before a General A. M. Court. The duties of Regional Headquarters with respect to such cases shall be as set forth in para. 5 hereof.

8. Major black market cases as distinguished from other black market cases are subject to the procedure set forth in para. 4 hereof. No hard and fast rule can be laid down defining a major black market case. Illustrative of the type of case falling into this category are the following types of cases. These are examples only for they by no means exhaust the category :-

- (a) Violations which are the result of the operation of any organized group, ring or conspiracy;
 - (b) Violations which involve a breach of trust such as violations by law enforcement officers or other public officials charged with the suppression of black market practices or with the administration of supplies or rationing;
 - (c) Violations whose extent is such as to indicate a black market operation on a major scale.
9. Success of the current drive against black market cases is of especial interest to the A.M.C. Hence the greatest emphasis should be laid upon the prosecution and investigation of major cases. Other black market cases should also be the subject of an intensive law enforcement drive by C.A.Os, Legal Officers and C.A.P.Os. The greatest available concentration of time, effort and enforcement personnel should be made upon this type of violation. The steps to be taken in pursuance of this policy will depend on a large extent upon the resourcefulness of the C.A.O., Legal Officer or C.A.P.O. having jurisdiction and his knowledge of local conditions. The following measures, however, should be put into effect whenever they are applicable:-

- (a) Imposition of uniform punishments for this type of violation within the limits set forth in the directive of the Chief Judicial Officer on the subject;

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- (a) Imposition of uniform punishments for this type of violation within the limits set forth in the directive of the Chief Judicial Officer on the subject;
- (b) A special effort to discover and apprehend major violators, suppliers, transporters of grain on a large scale and individuals connected with organized black market activity;
- (c) In connection with the above a policy of leniency to minor offenders who aid the enforcement authorities by giving information concerning their sources of supply, their confederates, or other matters;
- (d) Dissemination by whatever means available of publicity as to cases actually tried, the names of the offenders and the punishments imposed.

- (e) Establishment of read blocks and the use of such other special investigative devices as may be warranted by conditions obtaining in any particular locality.

10. Communications from Regional Headquarters will be transmitted to the Legal Sub-Commission for the office of the Director of Special Prosecutions.

Richard H. Winner

RICHARD H. WINNER

Lt. Colonel,
Acting Deputy Chief Legal Officer.

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InformationHEADQUARTERS
ALLIED CONTROL COMMISSION
Allied Intelligence Committee
APO 512

15 November 1943

SUBJECT: Attached Intelligence Questionnaire.

TO : Chiefs, All Sub-commissions, Hq. ACC.

1. Your attention is invited to the attached Questionnaire on Supply of Intelligence, issued by MGS, AFHQ, on 7 November 1943.
2. In view of the fact that a cable urgently requesting replies to this questionnaire has been received by this Hq. from AFHQ, it will be appreciated that such replies be forwarded to the Acting Secretary, Allied Intelligence Committee, ACC, by 1200 hours, Thursday, 18 November 1943.

By command of Major General JOYCE


W. E. SCOTTEN,
Capt., M.I.,
Acting Secretary
Allied Intelligence Comm.

Return made 16/Nov/43

ALLIED FORCE HEADQUARTERS

Military Government Section

ATM/jl

MGS-350.05

7 November 1943

SUBJECT: Questionnaire on Supply of Intelligence.

1. Certain questions have arisen on the supply of intelligence, and answers to the under mentioned questionnaire are requested by return. The matter is urgent from a future planning point on view. The object is to ascertain our requirements so that they can be met to the fullest extent possible.

2. Questionnaire:-

ISTD & MEM Zone Handbooks (PWE issue) & Basic Handbooks
(i) Do ISIS/Reports/~~Zone Handbooks~~ give too little or too much information? In particular it would be useful to know which subjects are regarded as being the most important e.g. if the information on food supplies is of little interest but details of flour mills are of special value, more attention could be devoted to the latter.

(ii) What are the criticisms of the material provided in the past?
(iii) Have recent operations shown up any further deficiencies in basic intelligence on resources?
(iv) Comments are requested on:-

- (a) ISIS Reports Parts I History, Geography, Medical II Resources III Communications IV Photographs V Ports and Towns VI Coast Defences VII Aviation VIII Photographs - Coast Ports and Inland Towns.
- (b) Zone Hand Books Parts I People and Administration II Economic Conditions III Local Directory and Personalities.
- (c) ISTD Reports
- (d) Italian Basic Hand book.
- (e) Having regard to the fact that it has rarely been possible to give any information regarding capacities and details of plant under ISIS "maintenance industries" is it of any value to give a list of the known factories, milk etc.?
- (f) ISTD are now only able to prepare short-term reports, frequently amplified by MEM reports on resources in the form of notes. This means that photographs, town plans etc. will not be available. Does this hinder planning?

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(c) ISTD Reports

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Signature
 A. T. MAXWELL
 Colonel
 Deputy Chief

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