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Declassified E.O. 12356 Section 3.3/NND No. 785016

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1802

Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/132/297

524

Punishment of Fascist Criminals

May 1944 - Jan. 1945

TOP SECRET

AFHQ

AND PRIVATE
AFHQ PERSONAL/ FOR GENERAL HANDING

S-417

19 January 1945

URGENT

TOPSEC PD

FURTHER MY SUGAR FOUR ONE FIVE PD MARIO BERLINGUER DEPUTY HIGH
COMMISSIONER FOR THE PUNISHMENT OF FASCIST CRIMES HAS JUST ASSURED
ME THAT IN ADDITION TO THE INSTRUCTIONS ISSUED BY PRIME MINISTER
TO THE PRESIDENT OF THE COURT HE CMA BERLINGUER CMA WILL BE PRESENT
IN COURT AS ADVISOR TO THE GOVERNMENT PROSECUTOR
AND PRIVATE

PAREN TO AFHQ PERSONAL/ FOR GENERAL HANDING FROM RE ALCON STONE

ADMIRAL STONE PAREN

TO INSURE THAT THE TYPE OF EVIDENCE DESCRIBED IN YOUR FOR NIGHT FIVE
STONE SIX THREE IS NOT INTRODUCED BY THE PROSECUTION

DISTRIBUTION:

Hon. Alexander Kirk
Sir Noel Charles
Chief of Staff
Political Section
Adjutant (Skeleton Copy)

4653

Chief Commissioner
222

ELLERY W. STONE
Rear Admiral
Chief Commissioner

TOP SECRET

1804

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LUS

POLITICAL ASSASSINATIONS

Referring to the message addressed by Prime Minister Churchill to the Italian people, and in particular to the point in which he calls for "Courts free from all interference by the Executive Powers, from all threats of violence by the mob, and from collusion with political parties or individuals of any kind" and where he also calls for the respect of "time honoured and deep rooted laws closely associated in all men's minds with the general principles of honesty and justice", we deem it proper to call attention to the following facts:

(1) That in the last few days, by order of the High Commission on Sanctions against Fascism, mass arrests have been made of officials of high rank and magistrates of the State, only because they belonged, prior to July 25, 2244 1943, to the Special Tribunal for the Defence of the State, now dissolved; 524

(2) That this Tribunal had been set up in the now distant year 1923, under a constitutional law of the State, voted by Parliament and specifically by deputies elected by universal suffrage, and regularly sanctioned by the King; 4308

(3) That these arrests have been made under the provisions of the very recent Decree Law of July 25, 1943 which has not yet been enacted, and in violation of the legal principle upheld by

to the Italian people, and in particular to the point in which he calls for "Gent's free from all interference by the Executive powers, from all threats of violence by the mob, and from collusion with political parties or individuals of any kind" and where he also calls for the arrest of "five hundred and deep rooted laws closely associated in all men's minds with the general principles of honesty and justice", we deem it proper to call attention to the following facts:

(1) That in the last few days, by order of the High Commissioner on Sanctions, against Discretion, many arrests have been made of officials of high rank and magistrates of the State, only because they belonged, prior to July 25, 1944 1045, to the Special Tribunal for the Defence of the State, now dissolved;

(2) That the Tribunal has been set up in the now distant year 1925, under a constitutional law of the State, voted by Parliament and specifically by deputies elected by universal suffrage, and regularly sanctioned by the King;

(3) That these arrests have been made under the provisions of the very recent Decree Law of July 25, 1944 which has not yet been enacted, and in violation of the legal principle upheld by all Nations, no account has been taken of the fundamental rule under which laws are not retroactive;

524

4858

- 2 -

(4) That the arrests were made as the result of a mass operation conducted by the extremist parties who followed the indication of that day and the mass arrests;

(5) That the action of these individuals was best taken to give satisfaction to the "pressure of the mob" which is in "con- fusion with political parties", and has had to give an unnatural interpretation to the Decree Law of July 27, 1944;

§ (6) That no specific charges have been brought against the persons arrested who, called regularly into service, exercised their functions in conformity with specific rules laid down in the codes and in other constitutional laws and in the name of His Majesty the King.

Are these "the rights of the individual preserved, affirmed and exalted, limited only by his duties to the State" or which Mr. Churchill mentions?

Attention is therefore called to the arbitrary character of the detention of the incarcerated officers and magistrates, respec- tively only of having performed their duty.

4807

Political Section *W/C*

EWS/hjp

SECRET

AFHQ

HQ ACC

S-329

6 SEPT

SECRET

PRIORITY

ACTING CHIEF COMM.

FURTHER BY SURAR THREE ONE FIVE OF TWO SEPTEMBER PD FROM TO AFHQ FOR SACRED FOR
UNCLE SUGAR POLITICAL DIVISION AND BRITISH RESIDENTS REQUESTED FROM HQ ACC FROM STONE
PERSONAL FAME GEORGE LAMBO ON HIS STATEMENT TO USK THAT GOVERNMENT BE PERMITTED
 TO PROCEED WITH COMMISSION OF INQUIRY TO BE FORMED OUT MATTER HIGH COMMISSIONER
 FOR SANCTIONS AGAINST PARTISAN AND HE IS COMPELLED TO LODGE PETITIONS OF GENERAL
 DEL TETE AND FURTHER ALL REQUESTS OF SUBMITTING MATTER TO THE GENERAL AT THE TIME
 OF THE COMMISSION AND THAT A CAREFUL EXAMINATION WILL BE MADE BY GENERAL RESPONSIBLE
 FOR SUGGESTION. IT COME FROM AT THE SAME TIME. I WISHED TO BE AT LIBERTY TO HOWEVER
 HE EXPECTS THAT DEL TETE AND FURTHER ALL REQUESTS AT SAME STATE IN THEIR TRIAL WILL
 ENDEAVOUR TO BRING RESPONSIBILITY TO GENERAL THEN IN CASE PD AT THAT JOHN SPURZA
 STATES THAT THE WILL EITHER BE COMPELLED TO POSTPONE TRIAL PENDING THE ARRIVAL OF
 PROPOSED COMMISSION OF INQUIRY NAME OR WILL HIMSELF OR AS A CONSEQUENCE OR
 HAVE TO INSTITUTE HIS OWN INQUIRY AS

SECRET

Message No. S-319, 6 Sept 44, continued:

FEEL IT IS HIS DUTY TO RESIGN CMA WHICH WOULD CAUSE A QUOTE WORLD SCANDAL UNQUOTE
 PD I STATED THAT THE ENTIRE QUESTION WAS UNDER REVIEW AT EDWARDS REQUEST AND HIS
 VIEWS WOULD BE GIVEN CONSIDERATION PD PARA COMMENT CEN WHILE THERE IS SOMETHING
 TO BE SAID FOR SPONZAS FIRST POINT CMA I DO NOT THINK HE WOULD BE OPPOSED TO ANY
 DEVELOPMENTS WHICH MIGHT REFLECT DISCREPANCY OR THE KING CMA AS DISTINCT FROM THE
 MONARCHY PD SPONZAS VIEWS DO NOT ALTER THE RECOMMENDATION FOR POSTPONEMENT CONTAINED
 IN MY SUGAR THREE ONE FIVE

AUTHENTICATED:

MILBY W. STONE
 Captain, USNR
 Acting Chief Commissioner

DISTRIBUTION:

Political Section
 Hon. Alexander Kirk
 Sir Noel Charles

SECRET

SECRET →

He
had

AFRE

HQ ACC

8-315

2 SEP

SECRET

PRIORITY
OFFICE OF THE
ACTING CHIEF OF STAFF

ITALIAN GOVERNMENT HAVE DECIDED TO APPOINT A COMMISSION OF ENQUIRY TO INVESTIGATE THE MILITARY EVENTS IN THE BORN AREA ON THE EIGHTH AND NINTH AND TENTH SEPTEMBER ONE NINE FOUR THREE TO PAPER TO AFTER FOR BACKED FOR UNCLE ARCADE POLITICAL ADVISOR AND BRITISH PRESIDENT MINISTERS FROM HQ ACC FROM SOME PERSONAL PAPER THE PRIME MINISTER REVEALED THAT PUBLIC OPINION IS PRESSING HARD FOR SUCH AN ENQUIRY AND THAT THE KING AND ATTENDANT ARE IN FAVOR TO IT IS SUGGESTED THAT THE PROPOSED COMMISSION SHOULD BE PRESIDED OVER BY GENERAL AMANTUA CHA WHO HAS A REPUTATION FOR SINCERITY AND EFFICIENCY CHA AND SHOULD BE COMPOSED OF TWO OTHER GENERALS CHA AND AND PERCIVINIA CHA AS WELL AS BY SIX MEMBERS REPRESENTING THE SIX PARTIES NOW IN THE GOVERNMENT PD THE PRIME MINISTER SAID THAT THE ENQUIRY WOULD BE SECRET BUT NO DOUBT THE FINDINGS WOULD BE PUBLISHED PD HE ASKED URGENTLY FOR ALLIED VIEWS ON THIS PROPOSAL PARA TWO PD I HAVE CONSULTED MISTER KIRK AND SIR ROEL CHARLES AND WE ALL FEEL THAT CHA ALTHOUGH SUCH AN ENQUIRY WILL NO DOUBT HAVE TO TAKE PLACE AT SOME TIME CHA THE PRESENT IS NOT THE MOMENT PD AN INQUIRY CONDUCTED NOW CHA IN OUR OPINION CHA MIGHT WELL IMPAIR UNITY OF EFFORT AND THE PROCEEDINGS MIGHT BE MARSHALLED IN SUCH A WAY AS TO RAISE THE INSTITUTIONAL QUESTION PREMATURELY AS

RET

SECRET

Outgoing Message No. S-25, 2 Sep 44, continued:

WELL AS EXPLICIT UNFAIRLY ON THE ACTION OF THE GOVERNMENT IS POWER AT THE TIME PD
 PARA THREE PD WE WOULD THEREFORE SUGGEST THAT I SHOULD TELL BARKER THAT CMA
 WHILE WE HAVE NO CONNECTION IN PRINCIPLE TO THE IDEA OF AN INQUIRY CMA WE WOULD
 CONSIDER HIM AGAINST IT AT THE MOMENT CMA PARTICULARLY AS MANY OF THE PRINCIPAL
 WITNESSES ARE NOT NOW AVAILABLE IN THIS PART OF ITALY CMA FOR INTERVIEW CMA
 GENERAL CALVI DI BIANCO PD THE QUESTION WILL NEED CAREFUL HANDLING AS ONE
 NEWSPAPER IN ROME CMA THE COMMISSION BY AREA CMA HAS ALREADY PUBLISHED THE
 GOVERNMENT'S INTENTION IN THIS MATTER

AUTHENTICATED:

WILLIAM W. STONE
 Captain, USNR
 Acting Chief Commissioner

cc: Political Section
 Hon. Alexander Kirk
 Sir Noel Charles

4533

Hq	ACC	Sec'y Gen.
DISPATCHED		
Date	Time	2 Sep 1715
Via	240	
Initials	DHR	

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 194
ADMINISTRATIVE SECTION

12/27/43

2-42, 44

SUBJECT: Defascism

TO: Distribution Below.

1. The enclosed copies of an English translation of ILL 158, Sanctions against Fascism, is for distribution down to Provinces.
2. It is hoped that the translation will be of assistance as a means of ready reference but it will be appreciated that it is not always possible to find "is not just" and that it is the Italian version which is authoritative and to which reference must be made whenever any point is in question.
3. A short general instruction of Defascism has been prepared and will be issued as soon as possible.

[Signature]
G.H. DEJOHN, Col
Asst. Admin. Sec.

DISTRIBUTION: Secretary General (2)
All Sections (2)
All Sub-Commissions (2)
All Regions * (2)
S. ASST (2)

*Regions 1 & 11 - 2 extra each

Copies of Enclosure

524

Ext: 525
12/27/43

4332

1812

THE
DEGREE
AS TO
SANCTIONS AGAINST FASCISM

Part I	-	Ordines
Part II	-	Enrollment
Part III	-	Enrollment
Part IV	-	Enrollment
Part V	-	The High Commissioner
Part VI	-	Miscellaneous

PART I

IMPOSITION OF PENES

1. All penal provisions issued to subversive institutions and political organizations created by them are hereby repealed. Decisions already promulgated by virtue of such provisions are hereby annulled.
2. Members of the Government and high ranking members of society, guilty of committing the offenses given under the constitution, of destroying the liberty of the people, of creating the fascist regime, of committing the

...the source of point ... for life and, in cases where the ...
...shall be ... for ...
...shall be ... of a President ...
...shall be ... of ...
...shall be ... of ...
...shall be ... of ...

These who ...
...shall be ... of a President ...
...shall be ... of ...
...shall be ... of ...
...shall be ... of ...

These who ...

- 10 If the accused has actively participated in the struggle against the Germans
- 11 Where several extenuating circumstances exist imprisonment for 30 years shall be substituted for penal servitude for life and other penalties shall be removed by one sixth.
- 12 The guilty party shall be declared not punishable if he distinguished himself by special acts of valor in the struggle against the Germans.
- 13 Any person who for fascist reasons or, by taking advantage of the political situation created by fascism, has committed acts not particularly serious which while not being crimes in the eyes of the law are nevertheless contrary to the rules of social and political integrity

persons which shall not be an offense in the eyes of the law are nevertheless contrary to the value of a civil and political integrity shall be subjected to temporary disqualification from the holding any public office or to loss of political rights for a period of not more than ten years.

Moreover when a person is deemed to be a danger to society he may be sent to a agricultural colony or a labor institution for a period of not less than one or two years.

- 16 Any person who has been found guilty of a crime involving moral turpitude shall be deemed to be a person who has been found guilty of a crime involving moral turpitude.
- 17 Any person who has been found guilty of a crime involving moral turpitude shall be deemed to be a person who has been found guilty of a crime involving moral turpitude.
- 18 The Commission of the High Commission shall be composed of a President, a Vice President, a Secretary, a Treasurer, and a General Secretary. The Commission shall be composed of a President, a Vice President, a Secretary, a Treasurer, and a General Secretary. The Commission shall be composed of a President, a Vice President, a Secretary, a Treasurer, and a General Secretary. The Commission shall be composed of a President, a

In any other cases... any employee... shall be ordered by the competent authority, or in case of... by the Emperor.

23. Continued as... shall be ordered by the competent authority... shall be ordered by the competent authority... shall be ordered by the competent authority...

24. Continued as... shall be ordered by the competent authority... shall be ordered by the competent authority... shall be ordered by the competent authority...

27. Any real property constituting assets derived from the profits and owned by the doctor (hereinafter referred to as the doctor) shall be considered to derive from the profits of the doctor (hereinafter referred to as the doctor) and shall be considered to derive from the profits of the doctor (hereinafter referred to as the doctor).

28. The entire property of the doctor is liable for the satisfaction of the debts of the doctor.

In cases where the doctor is a partner in

1822

In cases contemplated by the Act, the Director shall be liable, jointly with their spouse, associate, or partner, for the same.

29. In the event of the Director's not attending to any of the matters and to any other the following matters, with property (or the Director) shall be considered void:

32 The doctor and the attorneys dello Stato may within thirty days lodge an appeal against the decisions of the Special Section of the Provincial Commission.

The High Commissioner may also appeal within 60 days.

The Special Section shall be authorized by a special section of the Central Commission to appoint a President, a President of Court of Appeal, and of four judges not less than three or a third President of Court of Appeal, and of four judges not less than three or a third President of Court of Appeal, and of four judges not less than three or a third President of Court

- 33 The decisions of the Special Section of the Central Commission may be appealed before the Plenary Session of the Commission solely on the ground of absolute lack of jurisdiction. An appeal must be lodged by the debtor or by the creditor within sixty days; the High Commissioner may appeal within 6 months.
- 34 The High Commissioner may, even after the lapse of the above period but not after the lapse of two years, urge that the decision, although final, be annulled in the event that facts of considerable importance

PART IV

Confiscation of Socialist Property.

38 The property of the disbanded Socialist national party and of organizations suppressed by RSM 2 August 43, No 704, shall devolve upon the State.

Such property shall be used for the public service by the public bodies. This shall be effected on the proposal of the

33 The Finance Commissioner of the State shall provide for the collection of assets of the Communist National Party and the suppressed organizations.

Part V

The High Commissioner.

40 For executing the carrying out of this decree the office of High Commissioner for Execution against Fascism is created.

The

- be included.
- (3) shall apply in the context and process of property previously belonging to the Fascist Party or to Fascist organizations.
- (7) exercise any other functions contained in this decree or in any other decree or regulation.

PART VI

Transitory and Final Provisions.

- 42 For the application of this decree

Political Section

REPRESENTATION LIST FOR C. L. L. T. A. OFFICIALS.

C. L. L. T. A. Branch, R. C. S., Legal Adviser 1
 C. L. L. T. A. Branch, R. C. S., Civil Affairs Branch for Chief
 Legal Adviser 6
 S. L. C., R. C. S., 5th Army

4523

R.O., Rome Region		1
R.O. (thru R.O.), Rome Region		1
R.O., Region 1		1
R.O. (thru R.O.) Region 1		1
R.O., Region 2		1
R.O. (thru R.O.) Region 2		1
R.O., Region 3		10
R		

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/ 4010/L.

MEMORANDUM

ART/pa
29 Jul 44

SUBJECT : Gazzetta Ufficiale No.41 of 29 July 1944.

TO : See

SERIE SPECIALE

Conto corrente con la Posta

Anno 85° — Numero 41

GAZZETTA UFFICIALE

DEL REGNO D'ITALIA

PARTE PRIMA

fascista, compromesse e tradite le sorti del Paese condotto alla attuale catastrofe, sono puniti con l'ergastolo e, nei casi di più grave responsabilità, con la morte.

Art. 46.

Sono abrogati i Regi decreti-legge 9 agosto 1943, n. 720, 28 dicembre 1943, n. 29/B, 26 maggio 1944, n. 134.

Le domande devono pervenire al più presto e comunque non oltre il 14 settembre 1944 all'Ente nazionale di previdenza ed assistenza per i dipendenti statali, via Lanza, 44, Roma.

Supplemento ordinario alla "Gazzetta Ufficiale", n. 4 del 29 luglio 1944

Conto corrente con la Posta

SERIE SPECIALE

GAZZETTA UFFICIALE
DEL REGNO D'ITALIA

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI - TELEF.: 53-135 53-238 53-571

ORDINANZA DEL GOVERNO MILITARE ALLEATO

ORDINANZA DEL GOVERNO MILITARE ALLEATO

Io, Brigadiere Generale MAURIZIO STANLEY LEON, C. B. E., M. C., Commissario Esecutivo, con la presente ordino che i decreti e gli altri provvedimenti contenuti nel numero 41 del 29 luglio 1944 della *Gazzetta Ufficiale* entrino in vigore ed

TITOLO II

Epurazione dell'Amministrazione.

Art. 11.

La stessa Autorità emana i provvedimenti disciplinari previsti dal presente titolo, sempre conformemente alle conclusioni delle Commissioni.

Art. 22.

non è ammessa la costituzione di parte civile, né la citazione del responsabile civile.

Art. 44

Il presidente e i giudici popolari costituiscono unico collegio giudicante.

CAPO IV

Delle impugnazioni

Art. 45

Contro la sentenza della Corte distrettuale è ammesso ricorso per cassazione soltanto per i motivi indicati

Novy Camp
Salerno, 24 giugno 54 *File*

I PRIMI CASI DI ASSASSINAZIONE NELLA DUE L

CONTRO I NAZISTI E F

ti del fascismo comunisti;

Il decreto del 26 maggio 1944, che ha istituito l'Alto Commissariato, è entrato in vigore il 1 giugno nella provincia interessata, ma solo in questi ultimi giorni nel territorio ancora amministrato dal Comando (Lancet).

Contra si va effettuando l'Organizzazione. Se il Ufficio Centrale e periferici è presso

...in the ... of ... (1)

...the ... of ... (2)

...the ... of ... (3)

...the ... of ... (4)

...the ... of ... (5)

301

May 24/50 Fido

LA "Gazzetta" di Roma, 15/5/50

Il primo comunicato della Lega Comunisti per la pace del
collettivo degli italiani del

...del Centro Forme e della ...
...del nuovo governo ...
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