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LEGAL S/C, REPORTS
OCT., NOV. 1946

Q. M. C. Form 353 (Old No. 490)
Revised July 20, 1918

LIST OF PAPERS

2602-1/CC

Office of the
Chief CommissionerFile under No. 2602-1 LEGAL S/C - REPORTS

ALLIED COMMISSION

From: 16 Nov 46

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1	Ltr AC/4043/L	16 Nov 46	CC	Legal Div Monthly Report of Oct 46

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HEADQUARTERS ALLIED COMMISSION

AFC 734

LEGAL DIVISION

NOV 21 1946

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16 November 1946

SUBJECT : Legal Division,
Monthly report of October, 1946.
TO : Chief Commissioner, Allied Commission.

AFC Courts.

1. During the month of October Allied Military Government Courts were again in session in Venezia Giulia and the Province of Udine. Both Superior and Summary Courts were convened in the former of these areas, and Summary Courts in the latter.

2. In Venezia Giulia 131 accused persons were tried (as compared with 52 in September) on 141 charges (as compared with 61 in September) by Superior Courts, and 206 accused persons were tried (as compared with 134 in September) on 150 charges (as compared with 144 in September) by Summary Courts. Among these cases tried before Superior Courts there were only 5 charges of prejudice to the good order, but a number of them involved aggravated instances of possession of arms and abduction. Three defendants in such latter cases received sentences respectively of 5, 7 and 8 years. Of the total of 141 charges dealt with in these courts 80 resulted in findings of not guilty. From these circumstances it may be appropriate to draw the inference that, though an abnormally troubled condition still exists in this area, at least for the present the forces of law psychology have in large degree run their course. In the trials before Summary Courts charges of larceny and unlawful possession, violation of permit regulations and offenses

Government Courts were again in session in Venezia Giulia and the Province of Udine. Both Superior and Summary Courts were convened in the former of these areas, and Summary Courts in the latter.

2. In Venezia Giulia 131 accused persons were tried (as compared with 52 in September) on 141 charges (as compared with 61 in September) by Superior Courts, and 206 accused persons were tried (as compared with 134 in September) on 150 charges (as compared with 144 in September) by Summary Courts. Among these cases tried before Superior Courts there were only 5 charges of prejudice to the good order, but a number of them involved aggravated instances of possession of arms and abduction. Three defendants in such latter cases received sentences respectively of 5, 7 and 8 years. Of the total of 141 charges dealt with in these courts 80 resulted in findings of Not Guilty. From these circumstances it may be appropriate to draw the inference that, though an abnormally troubled condition still exists in this area, at least for the present the forces of mob psychology have in large degree run their course. In the trials before Summary Courts charges of larceny and unlawful possession, violation of permit regulations and offences against the good order predominated. The bulk of the sentences imposed by these courts were for the period of 1 month or less.

3. Fourteen cases were tried in the ~~Pro~~^{Pro}vince of Udine, all of which resulted in convictions by Summary Courts. Two of these involved offences of theft and possession of Allied property and 1 the possession of arms and ammunition.

Italian Courts and Italian Section

4. In general the Italian Courts continue to

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perform satisfactorily. Owing to an existing backlog of cases in these courts in Venezia Giulia which involve confinement in excess of 8 months before trial, in spite of pressure brought to bear to cause disposition of them, it is planned to transfer all such matters remaining undisposed of by the end of November to AMG Courts trial. Originally these cases numbered about 50 and included offences ranging from larceny to murder. In view of this apparent delinquency it is intended shortly to inquire into the whole judicial system of this area with the object of seeking the removal of incompetent personnel.

5. The work of the Italian Section in all of its various aspects has continued undiminished. This has included:

- a. Numerous conferences with officials of the Ministry of Prison and Justice and other agencies of the Italian Government regarding matters of general concern to this and other agencies of Allied Commission; and with Italian counsel concerning the draft of Italian Decrees in amendment of laws relating to marriage between Allied Nationals.
- b. Preparation of legal opinions regarding elements required under Italian law to establish charges of theft and attempt to commit this offence; validity of judgements of courts established during German occupation of Venezia Giulia, and their status in Italian territory in the post-occupational period; the bearing of International Law upon possible trial in Trieste (Zone "A") of persons charged with offences committed in Zone "B", now occupied by Yugoslav Military Forces; liability for payment of an Italian firm for work done on a machine delivered to Allied Naval authorities as war material; jurisdiction of Italian

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- b. Preparation of legal opinions regarding elements required under Italian law to establish charges of theft and attempt to commit this offense; validity of judgments of courts established during German occupation of Venezia Giulia, and their status in Italian territory in the post-occupational period; the bearing of International Law upon possible trial in Trieste (Zone "A") of persons charged with offenses committed in Zone "B", now occupied by Yugoslav Military Forces; liability for payment of an Italian firm for work done on a machine delivered to Allied Naval authorities as war material; jurisdiction of Italian Courts to try British and American merchant seamen for offenses committed in Italian ports, (including those in Venezia Giulia), and, in this connection, the right of Italian Police to go aboard merchant ships to make arrests, and the liability of British and American seamen to obey Italian Customs Laws; General Orders of the AMG in Venezia Giulia, and especially the promulgation of General Order 70 on the "Confiscation of Profits of the Fascist Regime"; operation of the Amnesty in Italian colonies now under BIA; transfer of Italian citizens, sentenced in Germany, to Italian prisons; and daily problems of the various departments of Allied Commission as to interpretation of provisions of the Armistice agreement and Italian legislation and procedure.

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c. Correspondence with the Ministry of Pardon and Justice and ABHQ regarding War Crimes, thefts of Allied property at Capri, railway thefts, and petitions for pardon in cases tried by Italian Courts in Udine Province; with the Civil Affairs Branch, GHQ, EMAP, and the Ministry of Pardon and Justice, concerning sentences imposed by Italian Courts in Tripolitania; with HQ. BIA in Asmara, and the Ministry of Pardon and Justice, regarding service of summonses on Italian citizens residing in Asmara, and the transmission of copies of the Italian Official Gazette and other documents, with the Town Major of Naples and the American Red Cross office of HQ. FBS on matters concerning requisition of property; and with the Ministry of Pardon and Justice regarding release of AMG prisoners on Conditional Liberty.

d. Translation of police reports, medical certificates, petitions and other documents concerning AMG cases in process of review.

Extraordinary Courts of Assize

6. The Special Court of Assize in Venezia Giulia has been continued in operation for a further period of 3 months from 3 November 1945. This Court disposed of 24 cases by trial during the month of October. Of the defendants convicted in these cases 3 received sentences of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years and 2 between 20 and 30 years. At the end of October 23 cases stood on the docket of this Court for trial, as compared with 21 on the last day of September.

7. In the Province of Udine the Special Court of Assize tried 12 cases during the month of October.

d. Translation of police reports, medical certificates, petitions and other documents concerning AMG cases in process of review.

Extraordinary Courts of Assize

6. The Special Court of Assize in Venezia Giulia has been continued in operation for a further period of 3 months from 5 November 1946. This Court disposed of 24 cases by trial during the month of October. Of the defendants convicted in these cases 3 received sentences of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years and 2 between 20 and 30 years. At the end of October 23 cases stood on the docket of this Court for trial, as compared with 21 on the last day of September.

7. In the Province of Udine the Special Court of Assize tried 12 cases during the month of October. On the 25th of that month this Court had 25 cases pending for trial as compared with 31 at the end of September.

General

8. During the month of October the Chief Legal Officer continued to be actively engaged in the performance of the manifold duties of his office. As usual these included attendance at many conferences, advising officials of other departments of the Commission regarding matters arising in the course of their operations, and conduct of final review of AMG cases. They also concerned some reorganization of divisional activities with the object of enabling more effective and expeditious termination of the functions of this Division at

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the time its mission shall have been fulfilled.

9. A number of persons now confined in Italian jails under Allied authority are not serving sentences of Allied Military Government Courts. It is known that the majority of such persons are being detained for security reasons. To ensure that persons other than those undergoing sentences of AMG Courts, or held for security reasons, are not being detained generally under pretended authority, an organized check is being made of the status of all persons in Italian prisons not so confined under sentences of Italian Courts. This task has been assigned to a newly created section of the Legal Division. Report on this undertaking will be made as the results thereof become available.

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Colonel, Infantry,
Chief Legal Advisor.

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LIST OF PAPERS

8003/CC

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ALLIED COMMISSION

From 28 Apr 46

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
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INSTRUCTIONS.—When papers on a subject become numerous they should be numbered serially and brief entries made on this form.

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