

ACC

10000/142/19
(VOL. I)

10000/142/19
(VOL. I)

ALLIED MILITARY COURTS, GENERAL
JULY 1943 - FEB. 1944

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CLOSED 7 February 1944 -

SEE VOLUME II

200



PARTITO E. QUISTA REPUBBLICANO
FEDERAZIONE DELL'IRIDE

IL COMMISSARIO FEDERALE

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(96)

HEADQUARTERS
ALLIED CONTROL COMMISSION
(SOUTH AFRICA UNIT)
12345 100-300000000
A.P.C. 394

ACC/1002/1

SUBJECT: Allied Military Courts in Occupied Territory

TO : Major Griffith White,
80 Province Building,
Main Bldg. A.C.C.

7th February 1944

95

Pursuant to your request we enclose a copy of this Sub-Commission
letter, ACC/1002/1 dated 25th January 1944.

MARK J. GROSSMAN,
Major,
for, Chief Legal Officer.

Incl. ACC/1002/1 dated 29th January 1944

105

SECRET

HEADQUARTERS
AMG 5th ARMY
A.P.O. 464 U.S. ARMY
Legal Division.

208/CA/51.
7 February 1944.

Subject : Proceedings in Allied Military Courts.

To. : Chief Legal Officer, Main Hq., A.C.G.

1. I enclose a copy of my letter of 18 Jan. 1944 and the reply thereto.

2. Prior to this exchange of letters, representatives of various intelligence agencies had refused to appear in a public session of an Allied Military Court in an espionage case without an order from their respective commanding officers.

3. Under these circumstances, the question whether the interests of the intelligence agencies require that all espionage trials be conducted in closed session, as Fifth Army Hq. appears to think, and the balancing of these interests against those of the Allied Military Government in a public session would seem to require the consideration of and a directive from higher echelon.

J. W. Shields
J. W. M. Shields,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5th Army.

thereof.

2. Prior to this exchange of letters, representatives of various intelligence agencies had refused to appear in a public session of an Allied Military Court in an espionage case without an order from their respective commanding officers.
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J. V. M. Shields
J. V. M. Shields,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5th Army.

201

SECRET

U. S. SECRET
Equals British SECRETHEADQUARTERS FIFTH ARMY
Office of the A.C. of S., G-2
A.F.O. #464, U. S. Army31 January 1944
ARB/hh

95C

Subject: Proceedings in Allied Military Court.

To: Lt. Col. J.V.M. Shields, Senior Legal Officer,
AMG, Headquarters Fifth Army.

1. Reference is made to your letter dated 18 January 1944, subject as above.

2. It is the opinion of this office, after careful consideration of the matter with the intelligence agencies concerned, that it is highly desirable that trials involving charges of espionage which require the presence of intelligence personnel as witnesses be conducted in closed courts.

3. The reasons for this are general, though none the less valid: Intelligence personnel who appear as witnesses are for the most part members of counter-espionage agencies, about which the enemy is making every effort to ferret out any and all details, as we are theirs, concerning personnel or operating methods. The identification of the personnel of these agencies, information as to their methods of operation, or weaknesses in their organization and procedure would presumably be revealed in a public court and thus possibly reach the enemy. Similarly, information as to how the agent was apprehended and how much he confessed, if made available to the enemy, would serve as guides to him in modifying his espionage program.

4. In view of the above, it is considered important by this office that the request of intelligence officers for closed courts in trials involving charges of espionage be given favorable consideration.

5. With reference to paragraph 6 of your letter, attached is a copy of a letter requesting that a signed statement attesting to the arrest be secured in all cases of suspected espionage.

For the Assistant Chief of Staff, G-2:

ARTHUR R. BLOW,
Major, Infantry
Asst. A.C. of S., G-2.U. S. SECRET
Equals British SECRET

SECRET

U.S. SECRET
Equals British SECRET

HEADQUARTERS FIFTH ARMY
Office of the A.C. of S., G-2
A.P.O. #484, U.S. Army

31 January 1944
ARS/nh

Subject : Enemy Agents

To : A.C. of S., G-2, II Corps,
A.C. of S., G-2, VI Corps,
GSI, 10th Corps,
SM, French Expeditionary Corps,
308th CIC Detachment.

1. In some of the recent trials involving charges of espionage, there has been no record presented of the persons who first apprehended the accused. In some cases, it is realized, this is impracticable. However, every effort should be made to elicit evidence which corroborates confession, and it is of course essential to have some evidence creating a prima facie case in the event there is no confession.

2. It is therefore requested that when anyone suspected of espionage is apprehended, the individual who made the arrest be interrogated concerning the circumstances, and sign a statement attesting to that effect. This statement should be sent to this office along with the other documents pertaining to the case.

For the Assistant Chief of Staff, G-2:

ARTHUR R. BLOM,
Major, Infantry,
Asst. A.C. of S., G-2

GSI, 10th Corps,
SM, French Expeditionary Corps,
305th CIC Detachment.

1. In some of the recent trials involving charges of espionage, there has been no record presented of the persons who first apprehended the accused. In some cases, it is realized, this is impracticable. However, every effort should be made to elicit evidence which corroborates confession, and it is of course essential to have some evidence creating a prima facie case in the event there is no confession.

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For the Assistant Chief of Staff, G-3:

ARTHUR R. BLOM,
Major, Infantry, **9201**
Asst. A.C. of S.

U.S. SECRET
Equals British Secret

HEADQUARTERS
AMC 5th ARMY
A.P.O. 464 U. S. ARMY
Legal Division

208/CA/5I

18 January 1944.

SUBJECT : Proceedings in Allied Military Courts.

TO : Assistant Chief of Staff G-2, HQ., 5 Army.

1. At a trial recently held by an Allied General Military Court involving charges of espionage and communicating with the enemy, representatives of various intelligence organizations refused to testify or even appear in a public session. A copy of a letter from the President of the Court referring to this matter is enclosed. The questions raised are:

- a) Whether there must be a secret trial from which the public is barred in similar cases developed by the intelligence agencies, and
- b) If not, who is to determine whether and when the Court shall be closed?

2. General Alexander in his proclamation on Allied Military Courts (AMC Proclamation No. 4, Art. IV, Sec. 1) has ordered as follows:

"Section 1. Public Sessions. The proceedings of every Allied Military Court shall be public except when otherwise ordered by the Chief Civil Affairs Officer or the Court".

The purpose of the direction that proceedings shall be public, generally speaking, is to avoid the imputation of Star Chamber proceedings and to prove to the civilians of occupied territory, by letting them see for themselves, that there is a proper administration of justice. Consequently, unless military necessity dictates otherwise, the proceedings should be public.

10 : Assistant Chief of Staff G-2, HQ., 5 Army.

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The purpose of the direction that proceedings shall be public, generally speaking, is to avoid the imputation of Star Chamber proceedings and to prove to the civilians of occupied territory, by letting them see for themselves, that there is a proper administration of justice. Consequently, unless military necessity dictates otherwise, the proceedings should be public. So far, every one will agree.

3. It is also clear that no one but the Court (other than the C.C.A.O.) may order that the proceedings shall not be public, and therefore, necessarily the Court must be the body which determines when the Court shall be closed. However, if a representative of an intelligence agency refuses to testify in public in disagreement with the Court's decision, he in effect becomes the judge who determines whether the session shall be public or not. Presumably the Court may punish even a military witness for contempt of court in such a case (Art. VI Proclamation No. 4), but the proceedings would log down.

qsf

4. The first question, therefore, is whether there is any reason why intelligence personnel should not appear in public? If not, such witnesses may advise the Court when in their opinion a question calls for an answer which would be of value to the enemy or divulge a secret technique used in interrogating suspects, and the Court may close and hear the reasons for the witnesses' opinion and make its decision whether the witnesses should answer the question in public. Certainly the Court would give great weight to the opinion of such witnesses.

5. I would appreciate having your ideas on this subject before the Court reconvenes for its next case, which I understand will be soon. Please advise me also whether your can speak for all intelligence agencies operating in the Fifth Army Area, such as CIC, WSS, CODIC, and others. If not will you kindly forward a copy of this letter (three extra are enclosed) to the independent agencies.

6. May I also call to your attention to the fact that the intelligence organizations in the cases so far presented to the Court have had no record of the soldiers who actually took the accused into custody in the front line area. Every effort should be made to elicit evidence which corroborates confessions, and it is of course essential to have some evidence creating a prima facie case in cases in which there is no confession. Accordingly the various intelligence agencies should be instructed to locate the soldiers who arrest suspects in the front line area to interrogate them in regard to the surrounding circumstances, and to prepare statements to be signed by such soldiers, so that they may be called as witnesses at the subsequent trial. May such instructions please be issued.

J.V.M. Shields,
Lt. Col.
Senior Legal Officer
A.M.I. 5th Army.

Spec. an. 11th

ALLIED MILITARY GOVERNMENT
SICILY REGION HEADQUARTERS
MFC 394

94

5 February 1944

Copy for file 4002/L

MEMORANDUM

TO:

ALLIED MILITARY COURTS

1. Except under exceptional circumstances, all cases not directly involving Allied interests, will be tried by Italian Courts.

2. Arrangements to put into effect paragraph 1, will be made with the Italian courts without delay.

By Order of Lt. Col. MCBETH.

William A. Jordan
WILLIAM A. JORDAN,
Lt. Col. C. A. C.,
Regional Legal Officer.

Distribution:

1 Copy C.A.C.
10 Files

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4015

HEADQUARTERS SECTION 4 MAIN
ALLIED MILITARY GOVERNMENT
APO 394

93

TO : Chief Legal Officer, Legal Sub-Commission, HQ., A.C.C.
FROM : R.C.L.O., Region 4.
SUBJECT : Standing Instructions (Legal) - Foggia Province.
REF : R4/LE/1.
DATE : 1 February 1944.

1. The attached, forwarded to me by Legal Officer, Foggia Province, for onward transmission to Chief Legal Officer, AMG, HQ., A.C.C., is sent to you instead, having regard to transfer of responsibility to your organisation.

2. For your information, the document contains a "re-hash" of sundry directions and instructions issued by me, and passed on to me from Chief Legal Officer, AMG, HQ., A.C.C., which the Legal Officer, Foggia Province, has collected in one document for circulation to C.A.O's and C.A.P.O's. I am therefore instructing Legal Officer, Foggia Province, that he has my authority to proceed with distributing copies of the document.

W.B.R. Oates: Capt.
P.A. to R.C.L.O.

† H. G. WILLMER, K.C.,
Colonel,
R.C.L.O., Region 4

*This document * is in Germany "Spurs" file*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 39

92

AMG/4002/L

SUBJECT: Allied Military Courts in Occupied Territory

TO : R.C.A.O., Region I
R.C.A.O., Region II

FROM : H.Q., A.C.C.

*Sent also to
Rego 3, 4, 5 & 6
Folio 98A*

25th January 1944

1. General Military Courts

(1) No General Military Court shall be appointed other than by the C.C.A.O., H.Q., A.C.C.

(2) Application for the appointment of a General Military Court shall be addressed to the C.L.O., H.Q., A.C.C.

(3) The application shall specify :-

- (a) the nature of the charges;
- (b) the date on which the prosecution will be ready to proceed with the case;
- (c) the names of the officers available to sit in the Court;
- (d) the names of the prosecuting officer, interpreter, and officers available to act for the defense in the event of the accused not being represented by counsel;
- (e) the expected duration of the case.

2. Superior Military Courts

(1) Except where a judicial officer is specially authorized by the C.L.O., H.Q., A.C.C. to sit alone as a Superior Military Court, a Superior Military Court shall consist of at least two officers, one of whom shall be a judicial officer. Application for such special authorization may be made forthwith accompanied by a statement of the officer's experience and qualifications.

(2) Every Superior Court shall be properly convened by the C.C.A.O. of the Province in which the Court shall sit.

(3) In no case shall an officer while sitting as a Summary Court assume the powers of a Superior Court by an announcement to that effect or otherwise. If the case which he is hearing as a Summary Court proves to be one which should be dealt with by a Superior Court, the officer shall remit the case for trial by a Superior Court and a Superior Court will be duly convened. Such Summary Court Officer is not disqualified from sitting as a member of the Superior Court to try the case so remitted.

Ref. F/P 3016
25 Jan. 1944

93B

SUBJECT: Standing Instructions (Legal) and
Specimen Forms of Charges.
TO : Chief Legal Officer, AMG, 15th Army Group
(Through AMG, Reg. IV)
FROM: L.O., Foggia Province.

For your information, forwarded herewith are copies
of above which have been prepared for distribution to all
CAOs and CAPOs in this Province.

amc. H. Lort
Major, J.A.G.D.
Legal Officer.
Foggia Province

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3. Procedure

(1) Attention is called to the statement in Special Administrative Instructions Legal No. 1 that "It is as important that justice should seem to be done as that it should be done". Every care should be taken

- (a) to ensure not only that judges are impartial, but that they appear to be impartial alike to prosecution and defense. No officer who has taken part in the investigation of any case (other than merely determining whether the case is suitable for trial by a General, Superior or Summary Court) is eligible to hear that case;
- (b) to ensure that the evidence is fairly and accurately interpreted, particularly where evidence for the prosecution is given in a language other than Italian. The judge should address his remarks directly to the witness and the interpreter should interpret literally the judge's words. Interpreters should not be allowed to frame questions themselves nor to give merely the purport of questions and answers.
- (c) A time limit for speeches should not be imposed on defending advocates, but they may be directed to confine themselves to arguments based on facts adduced in evidence.

(Sgd) CHARLES M. SPOTFORD.
Colonel, G.S.C.
Deputy Chief Civil Affairs Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AME/4002/L

15 JANUARY 1944

To: Colonel Gerald UpJohn
Hq. A.C.C.
Brindisi.

Dear Gerald:

In compliance with your request through Farlin
yesterday, I enclose a copy of a Directive of Col. Spofford
dated, 1 October 1943, AMEOT/4002/L. See Paragraph 5.

Yours,

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

23 December 1943

90

REVIEW OF CASES

In terms of Article VII, Section 3 of proclamation No. 4 of 1943 as amended by proclamation No. 14 and by virtue of the powers delegated to Francis, Baron Rennell of Rodd, Major General, Chief Civil Affairs Officer by Sir Harold R. L. G. Alexander, G. C. B., G. S. I., D. S. O., M. C., General, General Officer commanding the Allied Forces in occupied territory and Military Governor of the occupied territories in Italy and Sicily, and in the absence of the said Francis, Baron Rennell of Rodd, and under and by virtue of the powers by him delegated to me,

I, Colonel Charles M. Spofford, G. S. C., Deputy Chief Civil Affairs Officer of the occupied territories in Italy and Sicily which are controlled from Headquarters of the Allied Military Government do hereby appoint Colonel ~~Richard~~ ^{Gerald} R. Upjohn, Colonel George Pollock, Lt. Colonel Richard H. Wilmer and Lt. Colonel W. E. Behrens to review under the aforesaid Article and Section all cases heard by Allied Military Courts in those parts of said occupied territories which are controlled by Headquarters of Allied Military Government (as distinct from those parts which are controlled by Hq., A.M.G., Army Group) and I do hereby ratify and confirm any action heretofore taken by them or any of them in connection with the review of such cases.

CHARLES M. SPOFFORD,
Colonel, G. S. C.
D.C.C.A.O. HQ. AMG.

9

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

AMG/1409/L

Subject:- Office of Director of Special Prosecutions.

To :- S.C.I.O.s (Urban ROACs) 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 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 laws") which constitute :-

- (1) A diversion of essential commodities from legal channels

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

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 - (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.I.C., Legal Officer or C.I.P.O. having jurisdiction thereof are of such a nature or extent as to fall within the category inscribed 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.I.C., C.I.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.

- 2 -

(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.M.Os, Legal

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- (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.Cs, Legal Officers and C.I.F.Os. The greatest available concentration of time, effort and enforcement personnel should be made upon this type of violations. The steps to be taken in pursuance of this policy will depend on a large extent upon the resources of the C.A.C., Legal Officer or C.I.F.O. having jurisdiction and the degree of local conditions. The following measures, however, should be put in 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;
- (b) A special effort to discover and apprehend major violators, suppliers, transporters of goods 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.

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- (e) Establishment of road 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. Wilmer

RICHARD H. WILMER

Lt. Colonel,
Acting Deputy Chief Legal Officer.

DISTRIBUTION :-

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File 4109/L.	1
Spares	20

Subject:- Summary Military Courts.
Proclamation 4 Article III and V.

Adm. Dir.
 1st AG.,
 1st Army Group,
 C.M.F.

Ref. AG/209/47
 3 December 47.

4002.
 HQ., AG. 5th Army,
 8th Army,
 Region III,
 Region IV.

Certain powers of restitution, compensation and forfeiture are conferred on Allied Military Courts by Section 4 of Article V of Proclamation 4. These powers are additional to the powers of imposing sentences conferred on Allied Military Courts by Article III of the same Proclamation.

2. Whilst, legally, the power of forfeiture is additional to the other powers of punishment possessed by Summary Military Courts, Officers sitting as Summary Military Courts will NOT in any case make use of the power of forfeiture for the sole purpose of imposing a penalty equal to more than 50,000 lire in amount.

Where a Court orders forfeiture of an article of which the accused is the owner, but in respect of which he has committed an offence, the value of the article should be taken into account by the Court in determining any other penalty to be imposed. If the Court thinks the offence is too serious for a Summary Military Court to deal with, the case will be remitted to a higher Court.

3. It is to be observed that restitution and compensation are not in the same category as forfeiture, as orders for restitution and compensation are a quasi-civil remedy rather than a punishment.

1st 8 DEC 1947
 noted memo
 sent to
 acty chief counsel

HER/TS.

H. E. BONE,
 Lt. Colonel,
 Chief Legal Officer.

for Chief Civil Affairs Officer

Copy to:- HQ. AG, Palermo.
 A.F.M.Q., M.C.S.

4002
320
Subject: Appointment of Judicial
Officer, Region 2

To: Chief Judicial Officer
Legal Sub-Commission
HQ AMC

30 Nov. 43
AMC HQ.
Region 2
Ref: 2201/5/9
87

For your information there is enclosed herewith a copy of the order of the RCO of Region 2 appointing the undersigned Judicial Officer for Region 2. No other appointment was possible at the moment, for no other LC on the HQ staff holds the rank of Major.

Mark DeW. Howe

Mark DeW. Howe, Major, AUS,
RCLO, Region 2

November 1943
AGC Bt., Region 2

86

I, G. H. McGaffrey, Lieutenant Colonel, Infantry,
Regional Civil Affairs Officer for Region 2, hereby appoint
Major Mark DeWolfe Howe, C.S.P., A.U.S., Judicial Officer
of Region 2.

G. H. McGaffrey, Lt. Col. Inf.
RCAO

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 314
LEGAL SUPPLEMENT

AMS/4002/1

85

Subject. Allied Military Courts

To. ECLOS (thru SCAGs) Regions I and II

1 Dec 43

1. It is deemed essential to have the work of Allied Military Courts reduced to the minimum and to have the Italian Courts which now appear to be functioning satisfactorily take over as much trial work as possible. To this end all Allied Military Courts will complete their pending cases as quickly as possible and will not undertake new cases except

- (a) Cases concerning the possession of or damage to Allied Military Property.
- (b) Cases directly involving the interests or personnel of the Allied forces.
- (c) Exceptional cases which for one reason or another cannot be tried in an Italian Court.

2. The trial of cases referred to the Italian Courts in which the testimony of Allied personnel is necessary should be expedited by those courts. Early arrangements must be made ^{with} the Italian judicial and court officials to this end.

RICHARD B. WILSON
Lt. Col.,
for, Chief Legal Officer.

Copies to.

AMS/4001/1
AMS/4001/2/1
AMS/4003/1

81

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO. 512
LEGAL SUB-COMMISSION

~~110~~
84

AMG/4002/L

1st December, 1943.

SUBJECT: Appointment of General and Superior
Military Courts in Army Areas.

TO : AMG. HQ. 15 Army Group.

Reference your AMG/209/40 dated 26th November, 1943.

Herewith copy of the authority requested. We do not hold
the originals.

RICHARD H. WILMER,
Lt. Colonel,
Acting Deputy Chief Legal Officer.

Enc. 1.

85

Subject: - Appointment of General and Superior
Military Courts in Army Areas.

HEADQUARTERS

29 NOV 1943

AJ3

RM

400214

Adm. Dir.
15 Army Group,
G.H.Q.

83

Ref. AHC/209/40.
26 November 43.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
PALERMO.

It has been decided to alter the mode of appointing Military Courts in Army Areas by giving the powers of appointment to Group Captain Benson and Colonel Hues to exercise on behalf of the respective Army Commanders.

2. I have no copy here of the original authorities signed by General Alexander authorizing Army Commanders to delegate their powers to Corps and Divisional Commanders. Would you please forward the originals or copies by quickest means?

HKH/ES.

H. E. ROSE,
Lt. Colonel,
Chief Legal Officer.

See folios 39 to 48

Sir, The two orders to be accepted by G.O.C. 15 Army Group (folios 44 and 46) were forwarded to Col. Henry (folio 43) who presumably retained the originals as they were not returned to the HQ. The orders were submitted to 326. the CCNO (folio 48)

Collet.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

File
//
82

ASG/4002/1.

13 November 1943

SUBJECT : Administrative Instruction (Legal) 1 November 1943
TO : H016 Region 1

Re: your Memo H016 13.04 with enclosure from H016 Palestine

1. As you suggest the above instruction does not "limit" the jurisdiction of the Summary Military Court beyond the limits already imposed by Section 3 Article III of Proclamation 4.

2. That section provides for imprisonment or fine or both. As regards imprisonment, the only provision is that the Summary Court may impose any lawful punishment "except imprisonment for more than 1 year." The section makes no provision for imprisonment in default of payment of a fine. Special Administrative Instruction Legal No. 2 para 19 says that an Allied Military Court may impose a sentence of imprisonment in default of payment of a fine but does not specify any maximum duration for such imprisonment. Any sentence of imprisonment may therefore be imposed by a Summary Military Court "except imprisonment for more than 1 year".

3. If this were not so, the Summary Court, by the simple expedient of imposing a fine which the accused person was unable to pay and allotting a long term of imprisonment in default could enlarge its own jurisdiction. By merely imposing a fine of 50,000 Lira such fine to be worked off by imprisonment on the basis of one day's imprisonment equalling 50 Lira, the Court would extend its jurisdiction by nearly two years!

G. FOLLOE
Colonel
Chief Judicial Officer.

83

ALLIED MILITARY GOVERNMENT
SICILY REGION HEADQUARTERS
APO 512

File: RLE 13.04

9 November 1943 *81*

SUBJECT: Administrative Instruction (Legal) 1 November 1943.

TO : CLO ANGOT HQ.

1. Forwarded herewith is a letter from the SCAO Palermo Province regarding the above Administrative Instruction.

2. While this office does not agree with the contention that the Instruction "limits" the jurisdiction of the Summary Military Court as defined in Proclamation 4, Article 3 Section 3, your comments on the points raised would be appreciated.

William R. Jordan
WILLIAM R. JORDAN,
Lt. Col. S. J. C.,
Regional Legal Officer.

ja

ALLIED MILITARY GOVERNMENT
Province Palermo

RNG/jc

So

6 November 1943

SUBJECT: Administrative Instruction (Legal) 1 November 1943 AMG/4002/L.
TO : Chief Legal Officer AMG Hq.
THROUGH: RCO Sicily Region Hq.

1. The legal department of this province would like to be advised of the basis for the instruction contained in paragraphs 1, 3, and 4 of the Administrative Instruction (Legal) 1 November 1943 AMG/4002/L.

2. Proclamation 4, Article 3 Section 3 specifically states the jurisdiction of a summary military court to impose both imprisonment and a fine. Such type of jurisdiction is not given in Proclamation 4, Article 3 Section 2 to superior military courts.

3. It would seem, therefore, that an administrative instruction can not limit the jurisdiction of the Summary Military Court unless Section 3 Article 3 of Proclamation 4 is amended.

4. Furthermore as a practical matter it would not seem equitable to have the man who pays a fine and serves a sentence, serve the same time as one who only serves the sentence. The instruction is contrary to accepted legal principles.

5. Pending further instructions and reconsideration of an obvious conflict between the instructions and the proclamations kindly advise.



ROBERT N. GORMAN
Major
Senior Civil Affairs Officer

10-10-43
Hq
HQ

Can call
may

Content legal

13.01
1 November 1943
(79)

HEADQUARTERS
ARMED MILITARY GOVERNMENT

AMG/4002/L.

ADMINISTRATIVE INSTRUCTION (LEGAL)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.
2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:
"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

IN DISTRIBUTION:
MOAO Region I (6)
Agrigento Province (3)
Cassidasetta Province (2)

WILLIAM C. CHAMBERLAIN,
Lt. Col., R.A.,
Chief Legal Officer.

3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.

4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.

5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 20,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."

6. Please take steps to see that all officers trying cases are instructed accordingly.

3

WILLIAM C. CHAMBER,
Lt. Col., FA,
Chief Legal Officer.

DISTRIBUTION:

FCMO Region I	(6)
Agrianto Province	(5)
Calamitetta Province	(2)
Catania	(2)
Enna	(2)
Palermo	(4)
Ragusa	(3)
Syracuse	(2)
Messina	(3)
Trapani	(3)
FCMO Region II	(25)
" "	(25)
" "	(25)

ALMOOT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
MCS ARHQ	(12)
Sub-Commissions	(15)
File	(1)
Fleet	(1)
Isares	(20)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

8th November, 1943.

AMG/4002/L.

SUBJECT: Review of Court Cases.

TO : ALL R.C.A.Os. (for R.C.I.Cs.)

1. All cases sent to AMG HQ for review under AMGOT/4034/L dated 29 September 1943 will be reviewed by the Reviewing Officer.

2. The papers will be returned by the Reviewing Officer to the S.C.A.O. of the Province through the Region concerned together with Form J.3. completed by the Reviewing Officer. On receipt of this form the S.C.A.O. will take action if necessary.

3. Accompanying the papers will be the further Form J.4. This will be completed by the S.C.A.O. and returned by him direct to AMG HQ.

4. The papers together with the completed Form J.3. should then be returned to Regional HQ for filing.

5. Any cases requiring immediate action will be reviewed as soon as possible even though no petition has been received and the 30 days in which a petition may be filed has not expired. If necessary such cases can be re-reviewed on receipt of petition.

6. Please refer to Serial No. of the Form J.3. if any correspondence becomes necessary after receipt of the Reviewing Officer's decision.

7. Specimen copies of Forms J.2, J.3, and J.4 are attached.

By Order of the Chief Legal Officer.

GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

79

2. The papers with the completed Form J.3. will be of the Province through the Region concerned together with Form J.3. completed by the Reviewing Officer. On receipt of this form the S.C.A.O. will take action if necessary.
3. Accompanying the papers will be the further Form J.4. This will be completed by the S.C.A.O. and returned by him direct to ANG HQ.
4. The papers together with the completed Form J.3. should then be returned to Regional HQ for filing.
5. Any cases requiring immediate action will be reviewed as soon as possible even though no petition has been received and the 30 days in which a petition may be filed has not expired. If necessary such cases can be re-reviewed on receipt of petition.
6. Please refer to Serial No. of the Form J.3. if any correspondence becomes necessary after receipt of the Reviewing Officer's decision.
7. Specimen copies of Forms J.2, J.3, and J.4 are attached.

By Order of the Chief Legal Officer.

GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

RCAO Region I
Agrigento Province
Caltanissetta "
Catania Province
Enna "
Palermo "
Ragusa "
Siracusa "
Messina "
Trapani "
RCAO Region II

(6)
(3)
(2)
(2)
(2)
(4)
(3)
(2)
(3)
(3)
(25)

RCAO Region III
RCAO Region IV
ANGOT Liaison
ANGOT 8th Army
ANGOT 5th Army
ANGOT 15 Army Group
MCS. AFHQ.
File
Flat
Spares

(25)
(25)
(1)
(6)
(6)
(6)
(12)
(1)
(1)
(20)

Form No. J3

Serial No. _____

ALLIED MILITARY GOVERNMENT

DECISION ON REVIEW

To the S.C.A.O. (for S.L.O.) Province of _____

From A.M.G. H.Q. _____

Court (state whether General, Superior or Summary) _____

Court

sitting at _____

Name of Accused _____

Date of Conviction _____

Sentence _____

Decision on Review _____

Signed _____

Date _____

78

Form No. J 4

Serial No. _____

ALLIED MILITARY GOVERNMENT

To : A. M. G. H. Q.

From : S. C. A. O. Province of _____

Name of Accused _____

Decision on Review has been received by me.

Signed _____

Date _____

442

CONFIDENTIAL
NOT FOR BRITISH CONFIDENTIAL

4002

O6NPT A

NR 954

CONFIDENTIAL ROUTINE

IRS 3130

FROM: FILPOT

070850A

TO : AMGOT 5TH ARMY

75 76

HQ AMGOT Palermo instruction AMO/1002/L of 3 November,
subject "Appointment of General Military Court" of which copies
were sent direct to addressees, does not apply in 5th and 8th Army
areas.

(To 5th Army for AMGOT, 8th Army for AMGOT, repeat Bears for AMGOT.
From Filpot from AMGOT. Cite FA153)

DIST:

AMGOT (ACTION)

CO

JAG

HEADQUARTERS
NOV 1943
AMGOTCONFIDENTIAL
NOT FOR BRITISH CONFIDENTIAL

75

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4002/L

3 November 1943

In requesting the appointment of a General Military Court please use the attached form.

W. C. Chanler
Wm. C. CHANLER,
Lt. Col. (FA),
Chief Legal Officer.

DISTRIBUTION

RCAO Region I	(6)		
Agrigento Province	(3)		
Caltanissetta Province	(2)		
Catania	(2)		
Enna	(2)	AMGOT Liaison	(1)
Palermo	(4)	" 8th Army	(6)
Ragusa	(3)	" 5th Army	(6)
Syracuse	(2)	" 15th Army Group.	(6)
Messina	(3)	MGS AFHQ	(12)
Trapani	(3)		
RCAO Region II	(25)	Files: (4002/L) —	(1)
RCAO Region III	(25)	Floar	(1)
RCAO Region IV	(25)	Spares	(20)

Subject:- Appointment of General Military Court

To: C.I.O. (for C.J.O.) A.M.G. H.Q.

From:

S.L.O. Region

1. A General Military Court is required to sit at

For the trial of person(s) accused of :-

(a)

(b)

(c)

(d)

(e)

2. Evidence will be available by

3. The probable duration of the case will be days.

4. The prosecutor will be

5. The interpreter will be

6. Officers available in this region to sit on the Court are

.....

.....

.....

.....

.....

Signed

75

HEADQUARTERS
ARMED MILITARY GOVERNMENT

AMG/4002/L.

1 November 1943.

ADMINISTRATIVE INSTRUCTION (LEGAL)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.

2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.

3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.

4. Where a fine alone is imposed the Court should specify the portion to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.

5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."

6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:
ECAC Region I

WILLIAM C. CHAMBER,
Lt. Col., FA.
Chief Legal Officer. 73

3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.

4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable expense of the accused to pay.

5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."

6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

RCAG Region I	(6)
Agrianto Province	(3)
Calanissetta Province	(2)
Catania	(2)
Enna	(2)
Palermo	(4)
Ragusa	(3)
Syracuse	(2)
Mazara	(3)
Tortona	(3)
RCAG Region II	(25)
"	(25)
"	(25)

AMOT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
MCS AFHQ	(12)
Sub-Commissions	(15)
Pila	(1)
Float	(1)
Spares	(20)

WILLIAM C. CHAMBER,
Lt. Col., FA,
Chief Legal Officer. 73

Division of Allied Military Government.

15th Army G.O.P.
25 October, 1943.

With reference to Administrative Memorandum No. 69 dated 18 of October 1943 announcing the assignment of Brigadier General Frank J. McSherry to be Chief of Headquarters Allied Military Government and in view of the division of occupied territory into regions, I, Harold R.L.G. Alexander, G.B.E., C.B.E., D.S.O., D.C., General Officer Commanding the Allied Forces in Sicily and Italy and Military Governor of all occupied territory,

- (1) appoint the said Brigadier General Frank J. McSherry to be Chief Civil Affairs Officer in the occupied territories under Headquarters Allied Military Government so far as such territories are not under the Chief of Allied Military Government, 15th Army Group.
- (2) In respect to the territories now under or which may hereafter from time to time be transferred into the control of Headquarters Allied Military Government, I delegate to said Brigadier General Frank J. McSherry, Civil Affairs Officer as aforesaid and to such other officer as may hereafter be assigned as Chief of Headquarters Allied Military Government, the following powers subject nevertheless to the provisions of such proclamations and other orders as I have already issued or may from time to time hereafter issue,
 - (a) To issue in his own name such orders and directives as may be necessary from time to time to carry out his duties as Chief Civil Affairs Officer and Chief of Headquarters Allied Military Government.
 - (b) To delegate the power to make such orders and directives to such officer or officers under his command as he may see fit.
 - (c) All powers which I possess to appoint and remove all Italian Administrative and Judicial officials of the provinces and communes and all other government and municipal functionaries and all officers and employees of state, municipal, or other public service who is in the occupied territory under the control of Headquarters Allied Military Government. The said Chief Civil Affairs Officer may nominate any officer or officers of the Allied Military Government of Occupied Territory, such officer or officers not being below the rank of Lieutenant Colonel, to exercise the powers hereby delegated to him.
- (3) I empower the said Brigadier General Frank J. McSherry or such other officer as may hereafter be assigned Chief of Headquarters

Allied Military Government by order issued in my name to make such amendments to any proclamations which I have already issued or may from time to time issue as may be necessary to effect the division of territory under the control of Headquarters Allied Military Government into regions and for the decentralization of administrative powers to regional officers.

General,
General Officer Commanding the
Allied Forces and Military Government.

AMCOT/4002/L.
AMCOT BR, SICILY.
26 October 1943.

SUBJECT : Allied Military Courts. 86

The order dated 16 October 1943, appointing the members of a General Military Court for the Province of Messina, is amended as follows:

Col. G. Pollock is named as a member and President of said court, vice Lt. Col. John W. Chapman, excused.

FRANK J. McSHERRY,
Brigadier General, U.S.A.

AMCOT/4002/L.
AMCOT HQ., SICILY
1 October 1943

SUBJECT: Allied Military Courts - Sentences.

TO : All Senior Civil Affairs Officers
and All Senior Legal Officers.

1. On page 10 of minutes of meeting of Senior Civil Affairs Officers ref. AMCOT/263/IQ, the report is contained of directions of Chief Civil Affairs Officer that there was to be no suspension of any sentence pending his decision as to whether or not he would revise it.
2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 3 of this instruction has been substituted.
3. All Allied Military Courts may impose suspended sentences. As, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent but has still committed a minor offence.
4. Senior Civil Affairs Officers have no power to review cases, or suspend sentences.
5. The Chief Civil Affairs Officer is concerned about the smallness of sentences imposed for grave offences where the accused has been found "guilty". The attention of all officers who sit on Allied Military Courts will be drawn to the fact that sentences must not only be assessed on the circumstances in which the offence was committed, but also on the gravity of the offence, the frequency with which the offence occurs and its effect on Military Security. As an example, illiterate peasants have frequently been committing the grave offence of cutting off pieces of Military telephone wires. This offence has generally been committed openly to obtain binding wire and with little or no knowledge of the possibilities of its results on the Allied forces. Nevertheless, the offence must be punished severely as it is a grave offence, is very prevalent and the whole security of the Army may be jeopardised by it.

3. All Allied Military Courts may impose suspended sentences, as, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent but has still committed a minor offence.

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CHARLES H. SPURWARD,
Colonel, C. S. C.,
Chief Staff Officer.

DISTRIBUTION

Agrigento	7	Siracuse	11	AUGOT 5th Army)	
Caltanissetta	7	Messina	9	Region 3)	10
Catania	7	AUGOT Liaison	1	File 263/HQ and	
Enna	5	Trapani	7	original	2
Palermo	56	AUGOT 8th Army		Float	1
Ragusa	7	Region 2	10	Divisions	9
				M.G.S. A.F.H.Q.	12
				Spores	10

Let [initials] / 14/10

70

Subject: General Military Court.

Chief Legal Officer,
Headquarters,
AMGOT,
PALERMO.



As it seems likely that I shall be leaving this vicinity within the next week, I should be grateful if arrangements could be made for a new President to be appointed for the General Military Court for SYRACUSE and ~~AGOSTA~~ **RAGUSA**

I would suggest that he should be given the same powers as I have been given in the C.C.A.O.'s latest order.

Colonel,
S. S. O.

AMGOT Liaison,
15 Army Group Main,
FIELD.
RJPF/JG.

✓ 24/9

h 7A.. 69

SUBJECT: Summary Military Courts

TO : C.A.Os.

C.A.P.Os.

HEADQUARTERS
17 SEP 43
4002 JWS
AMGOT

POS/1

4002/69

1. This instruction supersedes instruction POS/1 dated 6 Sept 43, on the functioning of Summary Military Courts in the Province of Syracuse.
2. The following courts will hereafter exist: a) Syracuse (S) Augusta (A) Lentini (L) Nots (N) Floridia (F) Palazzolo. Such courts are constituted independently of the judge sitting.
3. All AMGOT officers assigned to this Province are authorized to sit as judges of Summary Courts, if so directed by a superior officer, except officers actually serving as C.A.P.Os.
4. The jurisdiction of Summary Courts is not territorial, and a case may be brought before the most convenient Summary Court of the Province. A court may be held in a town other than its principal seat, but will nevertheless be designated by its principal seat.
5. The blue backed Summary Military Court record book (being sent to you this day) will be used, pursuant to the instructions contained therein, to record all Summary Trials, and is the only record required to be kept, except that in cases involving fines of more than 5,00 lire or imprisonment for more than 3 months or both, a summary of evidence will be made and forwarded with the weekly loose leaf record to the Provincial Legal Officer. This summary may be on Form 8, Findings of an Allied Military Court. In every case a charge sheet or summons will be used, and a commitment in every case of imprisonment.
6. Fines and proceeds of property confiscated are AMGOT revenue. Receipts will be given for all fines collected. A special account is being opened in the bank of Sicily, Syracuse, called "AMGOT, Legal Dept., Syracuse". Court revenues should be deposited in that account at convenient intervals and a duplicate deposit slip sent to the Legal Officer, bearing the numbers of the cases involved. Deposits may be made through branches of the Bank of Sicily. Property confiscated should be sold unless the nature is such as to make sale impracticable, in which case it may be devoted to a suitable charitable or public purpose.
7. The monthly legal reports required by POS/567 of 23 Aug 43, consisting of an enumeration of the number of convictions, capitals and committals to higher courts for the month, and cases ending at the end of the month will be submitted for each place of a Summary Court (see 2, above).

designated by its principal seat, but will nevertheless be

5. The blue backed Summary Military Court record book (being sent to you this day) will be used, pursuant to the instructions contained therein, to record all Summary Trials, and is the only record required to be kept, except that in cases involving fines of more than 5,00 lire or imprisonment for more than 3 months or both, a summary of evidence will be made and forwarded with the weekly loose leaf record to the Provincial Legal Officer. This summary may be on Form 8, findings of an Allied Military Court. In every case a charge sheet or summons will be used, and a commitment in every case of imprisonment.

Fines and proceeds of property confiscated are 4000 revenue. Receipts will be given for all fines collected. A special account is being opened in the Bank of Sicily, Syracuse, called "AMGO, Legal Dept., Syracuse". Court revenue should be deposited in that account at convenient intervals and a duplicate deposit slip sent to the Legal Officer, bearing the numbers of the cases involved. Deposits may be made through branches of the Bank of Sicily. Property confiscated should be sold unless the nature is such as to make sale impracticable, in which case it may be devoted to a suitable charitable or public purpose.

The monthly legal reports required by POS/507 of 25 Aug 43, consisting of an enumeration of the number of convictions, acquittals and committals to higher courts for the month, and cases ending at the end of the month will be submitted for each place of a Summary Court (see 2, above).

Syracuse
15 Sept 43

for
Moel Lemmendinger
Lt. Col.
S.C.A.O.,
A.M.G.O.N.

50

Copy to: AMGO N.S., reference 4000/4026/L ✓
Major Cave, Catania

SUBJECT: Appointment Allied Military Courts.HEADQUARTERS
16 SEP 1943

AMGOT

H.Q. Fifth Army.

'A' Branch, H.Q. Main Eighth Army.

RECEIVED

H.Q. 15 Army Group, C.M.F.

3073/A.2.

15 Sep 43.

1. Herewith an order, duly signed by General ALEXANDER, authorizing G.O.C. Fifth Army and G.O.C. Eighth Army to appoint and delegate the power to appoint Allied Military Courts. It is requested that receipt of the order be acknowledged to this H.Q.

2. The Senior Civil Affairs Officer attached to each Army has full instructions as to how the appointment of Military Courts should be effected.

Gen

Lt. Col. W. Bagman
Major-General,
Major-General i/o Administration.

Copy to:-

A.M.C.O.T. Liaison 15 Army Group.
Senior Civil Affairs Officer, Fifth Army.
" " " " Eighth Army.

67

Subject: Appointment of Courts with 5th and 8th Armies.

11/21/33.

15. Sep. 43.

Chief Legal Officer,
Headquarters,
ANGOT,
PALMER.



11
67
62

With reference to your memo ANGOT/4002/L dated
12. Sep. 43.

1. The original Orders have been handed to "A" Branch,
15 Army Group for distribution.
2. "A" Branch has also been asked to forward the
information given in para. 4 of your memo.

H. Fawcett

Captain,
Staff Captain,
ANGOT Liaison.

ANGOT Liaison,
15 Army Group Main,
FIELD.
HF/JG.

Seen
HFD
scw
15/9

55

Subject:- General Military Courts in
Provinces of Syracusa, Ragusa and
Catania.

To:- G.C.A.O.

AMGOT/4002/1.

Reference your memo on Folio 58,
there is attached hereto suggested order for
your signature, empowering Col. Thorne Thorne
to fill vacancies on the Court.

14 Sept. 1943.

W.C. Chanler
W.C. CHANLER, Lt.Col. (AUS).
Chief Legal Officer.

Signed.
14/9

Spain in Spain file

Subject:- Fines Imposed by Allied Military Courts.

(Copy)
[Signature]
AMCOT/1002/L.

AMCOT H.Q. SICILY

14th Sept. 1943.

To:- All Legal Officers and Finance Officers
(through S.C.A.Os.)

With reference to the "Rules of Procedure for Allied Military Courts", part. 19 (2), for the purpose of collecting and accounting for fines imposed by the Allied Military Courts, Legal Officers are hereby directed to pay all fines collected to Sub-Accountants as directed in the AMCOT Accounting Manual.

[Signature]
W.C. CHAMBER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Copies to: All Heads of Divisions.

61

Appointment of Courts
 [Form for authorizing the C. G. (or G. O. C.)]

Headquarters, _____ Army

Subject: Power to Appoint Allied Military Courts.

To : Commanding General
 General Officer Commanding)

Corps
 Divisions

I, _____ (Commanding General
 General Officer Commanding) the _____

Army, hereby authorize and empower you to establish Allied Military Courts and to appoint members thereof, in accordance with the provisions of Proclamation No. 4, within the area of the occupied territory in which the Allied Military Government is functioning for the time being under your orders.

.....General,

Commanding _____ Army.

_____, 1943.

[Form for appointment of a General or a Superior Military Court, Allied Military Government. For use of Commanding General (or G. O. C.) of Division or higher unit having authority to appoint such a Court.]

Allied Military Government of Occupied Territory

I, _____

(Commanding General
 General Officer Commanding)

5

.....General,
 Commanding _____ Army.

_____, 1943.

[Form for appointment of a General or a Superior Military Court, Allied Military Government. For use of Commanding General (or G. O. C.) of Division or higher unit having authority to appoint such a Court.]

Allied Military Government of Occupied Territory

I, _____
 (Commanding General
 General Officer Commanding) 62

_____, hereby appoint
 (Unit)

_____ to be President and

(General (_____ to be Members

of a (Superior(Military Court for the trial of all persons who may be brought before it.

(Commanding General
 General Officer Commanding

In the Field (Unit)

_____, 1943

[Authorization by G.O.C., 15th Army Group, to Army Commanders, empowering them to establish Allied Military Courts within the area in which Allied Military Government is functioning under their orders.]

Headquarters, 15th Army Group

To Commanding General, _____ Army
General Officer Commanding, _____ Army

I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General,
General Officer Commanding the Allied Forces in _____ and Military Governor
of the Occupied Territory, hereby authorize and empower you to establish Allied
Military Courts and to appoint members thereof, within the area of the Occupied
Territory in which the Allied Military Government is functioning for the time being
under your orders. This authority may be delegated by you to any officer command-
ing a Division or higher unit or formation under your command.

General,
General Officer Commanding,
and Military Governor.

August 1943

[Appointment by G.O.C., 15th Army Group, of Summary Military Courts]

I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General,
General Officer Commanding the Allied Forces in _____ and Military
Governor of the Occupied Territory, hereby appoint all officers of the Allied
Military Government who are acting for the time being as Civil Affairs Officer
or Judicial Officers to sit as a Summary Military Court in any place in the
Occupied Territory.

General

Territory in which the Allied Military Government is functioning for the time being under your orders. This authority may be delegated by you to any officer commanding a Division or higher unit or formation under your command.

General,
General Officer Commanding,
and Military Governor.

August 1943

[Appointment by G.O.C., 15th Army Group, of Summary Military Courts]

I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General,
General Officer Commanding the Allied Forces in and Military
Governor of the Occupied Territory, hereby appoint all officers of the Allied
Military Government who are acting for the time being as Civil Affairs Officer
or Judicial Officers to sit as a Summary Military Court in any place in the
Occupied Territory.

General,
General Officer Commanding
and Military Governor.

August 1943.

6/5/43

Subject:- Appointment of Major Mercer to sit on General Court

AMGOT/4002/L ✓

AMGOT H.Q. SICILY

To: Major Edwin J. Mercer.
(through S.C.A.O. Enna)

12th Sept. 1943.

1. Inclosed herewith is a copy of an order signed this date by General Motherry, appointing you as a member of a General Court to meet at Agrigento at 9 a.m. Wednesday, September 15th 1943.

2. It is anticipated that this case will require at least one full day.

William R. JORDAN.
Lt. Col. G.A.C.
Chief Judicial Officer.

63

SUBJECT : Appointment of Courts with 5th and 8th Armies.

RECEIVED/1002/1.
MAJOR HQ BUREAU.
12 September 1943.

MEMO TO : G.O.A.C.

1. You will recall that you obtained the G.O.C.'s signature on an order authorizing the G.O.C. 5th Army and G.O.C. 8th Army to appoint and delegate the power to appoint Allied Military Courts. You brought the original signed order back to me. I made certified true copies and sent them to the G.O.A.C. with the 5th and 8th Armies.

2. Lieutenant Colonel Garry reports that he wants these orders to go to the G.O.C. 5th Army through channels, and I think he is right. Colonel Thorne Thorne showed me this morning suggesting that to correct this situation I send you the original order signed by General Alexander with the request that you have them transmitted through channels from 15th Army Group Headquarters to each Army Commander.

3. I assume that all that is necessary is for you to send the two original copies of such order signed by General Alexander, which are enclosed herewith, to "A" Branch and request them to distribute.

4. Will you kindly ask "A" Branch that when they send out the orders to the Army Commanders they will, in the covering letter, inform the Army Commanders that the Senior Civil Affairs Officers attached to their Armies have full instructions as to how the appointment of Military Courts should be effected. Will you also ask the "A" Branch to send copies of the covering letters to the respective Senior Civil Affairs Officers.

WM. C. CHAMBER,
Lt. Col., AUSA,
G.O.A.C. Legal Officer.

Subject: Summary Military Court Records.

AMCOT/4026/L

AMCOT H. A. BROWN

14th Sept. 1943

To: S.O.A.O., Syracuse.

1. Examination of your letter to all S.O.Os, Assistant S.A.Os and U.S.P.Os dated 6th Sept. 1943, has been made.

2. This Headquarters has just issued, which should be delivered to you, books for "Summary Military Court Record". (Reference AMCOT/4026/L dated 10th Sept. 1943). Instructions as to the use of this book by each court officer are printed on the inside cover.

3. It is suggested that in transmitting this book to the Summary Court Officers, in place of paragraph 4 of your letter of 6th Sept. 1943, the following be substituted:-

"The blue backed Summary Military Court Record book will be used to record all summary trials, and is the only record of cases which is required to be kept. In every case a charge sheet (Form No. 4) or a summons (Form No. 2) will be used. Whenever the Court feels a record should be made on Form No. 8, it will be signed by the Judge just above the word 'verdict'.

4. This will comply with the orders and directives now in effect throughout the island. Of course, if you desire to have the Summary Military Courts make a more complete record in some cases where larger sentences are imposed there can not be any objection from this Headquarters.

Mr. C. CHARLES.
M. Col. (AMC).
Chief Legal Officer.

Copy to file AMCOT/4026/L.

SECRET 4002/11

(Equals British MOST SECRET)

ALLIED FORCE HEADQUARTERS
Military Government SectionMEMORANDUM FOR: Chief Civil Affairs Officer, AMG Region 3.
Attention Senior Legal Officer.

SUBJECT: 1. Appointment of Allied Military Courts.

1. The enclosed forms were prepared by the Chief Legal Officer, Allied Military Government of Occupied Territory. They are transmitted to you in compliance with his request, quoted below, contained in a letter (AMGOT/1006/L) to the Military Government Section, AFHQ, under date of August 28, 1943:

3. In regard to the orders for the appointment of Courts, I inclose proposed forms which should be signed in advance in accordance with the revised Plan. I will arrange to have General Alexander sign his orders here unless he is still with you, in which case I would like you to have it done. The other order should be given to the Senior Legal Officer going with the Task Forces who should get them signed by his Commanding General.

2. The experience of the operation HENRY was that Staff Judge Advocates of the tactical formations recommended that the trial of persons accused of violating the laws of war be held by an Allied Military Court. With a view to facilitating this procedure in contemplated operations, the papers referred to above were drawn. These are as follows:

- a. A communication from the General Officer Commanding, 15th Army Group to be addressed to the G.C. (or G.O.C.) of the component armies, authorizing them to appoint Allied Military Courts for the area within which they may be operating. They would be empowered, moreover, to delegate this power to Division or higher unit commanders.
- b. An appointment of all Civil Affairs Officers and Judicial Officers of the Allied Military Government as Summary Courts.

[General Alexander was not present at AFHQ when the request quoted in paragraph 1 above was received. Accordingly the two papers could not be submitted to him here for his signature, and the Chief Legal Officer, AMGOT, was so informed. Whether they have since been signed this office has not received advice.]

- c. A form for delegating to Division and Corps commanders the power to appoint Allied Military Courts.
- d. A form for appointing a General or a Summary Military Court.

SECRET
(Equals British MOST SECRET)

- 2 -

~~SECRET~~

(Equals British MOST SECRET)

59

3. In order that persons concerned may know how Allied Military Courts are constituted and by what rules their procedure is governed, the following enclosed documents should be consulted:

General Administrative Instruction No. 7 Legal.
 Special Administrative Instructions Legal Nos. 1, 2 and 3.
 A file of proclamations to be issued, including No. 2 (War Crimes)
 and No. 4 (Allied Military Courts).

4. The Military Government Section, AFHQ, transmits the present letter and the documents inclosed directly to the Senior Legal Officer, AMG Region 3, as requested by the Chief Legal Officer and as the most expeditious channel for bringing to the attention of those concerned the steps to be taken for the establishment of Allied Military Courts during the initial phase of impending operations. It is realized that because of the late date at which the forms were received at AFHQ, it may be found impossible to put the plan into operation as promptly as was desired.

J. C. HOLMES
 Brigadier General, G.S.C.
 Chief, Military Government Section.

Inclos.:

- #1-Forms for appointment etc. (15 copies)
- #2-General Administrative Instruction No. 7, Legal (3 copies)
- #3-Special Administrative Instructions, Legal Nos. 1, 2 and 3 (3 copies).
- #4-File of Proclamations and General Orders (3 copies)

Copy to:

Chief Legal Officer
 AMG - Sicily

~~SECRET~~

(Equals British MOST SECRET)

59

A. M. G. O. T.

GOVERNO MILITARE ALLEATO TERRITORI OCCUPATI

PROVINCE OF RAGUSA

SUBJECT: Constitution of Allied Military Courts.

Pa/40

TO: C.L.O. Palermo

8/9/1943

Ref. your A.M.G.O.T. / 4002 / L. d 10 August 43 and order of appointment dated 30 August 43 relating to Major GILSHENAN and Capt. DREYFUS is enclosed herewith in duplicate.

copy to file 4002/4



M. L. G. L. G.

Lt. Colonel

S.C.A.O.

Province of Ragusa.

WRC

58

MOST SECRET.Subject:- Allied Military Courts.To:- Lt.Col. Garry, A.U.S.
AMGOT 8th Army Main,
c/o AMGOT Provincial HQ,
CATANIA.

Ref. AL/21/

From:- AMGOT Liaison.8 Sep 43.

With reference to your letter dated 1 Sep 43, and to its enclosures, I have seen Colonel Chanler who tells me that Major-General Lord Rennell personally obtained the signature of the General Officer Commanding-in-Chief to the Order, enabling Army Commanders to constitute Allied Military Courts and to the Order appointing AMGOT officers as Summary Military Courts, and that certified true copies have been sent to the respective Army Commanders.

You should therefore apply to 8th Army for a sight of these Orders and arrange for the two Orders which require to be signed by G.O.C. 8th Army to be signed by him, if this has not already been done.

With reference to para 5 of your letter, the heading is, in fact, wrong, and has been altered in pencil.

Correspondence is returned herewith.

HF/ES.



H. Pinner.
Captain,
Staff Captain,
AMGOT Liaison.

Copy to:- HQ. AMGOT,
PALERMO.

Recd per 14/9/43

C.E.A.C.

56

General Military Courts in Provinces of
Syracusa, Ragusa and Catania.

Ref pages 52 + 53, the best course would appear to
be to delegate the power of appointment of General
Military Courts in the above Provinces to Colonel
Morne Morne. Form of delegation is at front cover.

2. The ~~the~~ delegation as above may be made
by you under the terms of the original delegation
by General Alexander at 5.1 of this file.

H. J. [Signature]
Lt Col
DCL

10 Sep 43.

56

I don't care for the proposal: I prefer
your alternative of amending the
existing order to empower Col. T.T.
to fill vacancies.

13/9

[Signature]

SUBJECT: Summary of Literary Concepts

TO : ALL CAO'S
ASS'T CAO'S
CAO'S

E28/1

HEAD OFFICE
Legal
ESTD 1888
JUL 20 1911
ANGLO-AMERICAN

- a. The reorganization of administrative districts necessitates some changes in the functioning of Summary Courts in the Province. The following courts will either exist:

(a) Trazose (b) Augusta (c) Lerbini (d) Foto (e) Palazzolo.

the courts are constituted independently of the judge sitting, and a docket book to be kept for each court, with cases numbered consecutively.

The following officers are empowered to sit as Judges of Summary Courts:

James Elcos, Tricker and Waliron, Captains Pearson and Trenchard, Lieutenants

Devlin, Trenchard, Royce,

3. The jurisdiction of Summer Courts is not territorial and a case may be brought before the most convenient Summer Court of the Province. In general, however, cases should be brought before the court of the administrative district (except the Augusta cases need not go to Lentuni). A court may sit in a town other than its principal seat but will nevertheless be designated by its principal seat.

Form 8, Proceedings of a Summary Military Court, will be used and transmitted promptly to the Provincial Legal Officer, except that for cases involving sentences of 20 days or less, or 1000 lire or less, or both, an abbreviated return in schedule form may be used. In every case a charge sheet or summons will be used, and a commitment will be executed for every sentence of imprisonment. Form 8 will be signed by the judge just above the word "Review".

2. Fines and proceeds of property confiscated are After Revenue. Receipts will be given for all fines collected. They and other court revenue will be deposited from other funds in a safe manner and at convenient intervals will be credited with the Provincial Financial Officer against his receipt. A note will be made in the court records of the number and amount of that receipt and of the amount to which the amount corresponds. The receipt will then be turned over to the Provincial Legal Officer. Such deposit will be made at least monthly and the Provincial Legal Officer having custody of fines deposits for another station. The receipt heading if such money is exceeding in amount.

The monthly legal reports required by DOS/567 of 25 August 1943, consisting of enumeration of the number of Convictions, Acquittals and Commitments for the month, and Cases Pending at the end of the month, will be submitted for each administrative district, and, except that a separate report may be made for American zone reports will not be made for each country within a division.

other than its principal seat etc. will have the
original seat.

Form 8, Proceedings of a Summary Military Court, will be used and trans-
mitted promptly to the Provincial Legal Officer, except that for cases involving
sentences of 20 days or less, or 1000 lire or less, or both, an abbreviated return
in schedule form may be used. In every case a charge sheet or summons will be
used, and a commitment will be executed for every sentence of imprisonment. Form
8 will be signed by the judge just above the word "Review".

Fines and proceeds of property confiscated are AMO revenue. Receipts
shall be given for all fines collected. They and other court revenue will be
segregated from other funds in a safe manner and at convenient intervals will be
submitted with the Provincial Financial Officer against his receipt. A note will
be kept in the court records of the number and amount of that receipt and of the
amount to which the amounts correspond. The receipt will then be turned over to
the Provincial Legal Officer. Such deposit will be made at least monthly and
never an officer having custody of fines departs for another station. The
proper handling of such money is explained in detail.

The monthly legal reports required by POS/567 of 25 August 1943, consisting
of an enumeration of the number of Convictions, Acquittals and Commitments for the
month, and Cases Pending at the end of the month, will be submitted for each ad-
ministrative district, and, except that a separate report may be made for August,
the reports will not be made for each commune within a division.

Syracuse.
Sep 43.

Lt. Col.
S.C.A.O.
A.M.C.O.C.

Copy to:

File POS/567.

Chief Legal Offr, Palermo ✓

Seen 22.2.44
C.L.O.

See Rihgolo
4/4
10/9/43.

Major Gorman

When these books are distributed, will you draw attention of S.C.A.O.
What para 4 above needs amendment? Rly

Idason Officer,

Angot,

15 Army Group

.....

File
ASST,

5 Army Main,

1 September 1943

.....

Subject: Allied Military Courts

1. Attached hereto are the following papers:

- a) letter of 28 August 43 from CIG concerning courts
- b) draft order CIG to army commanders
- c) draft order appointing ASST officers summary courts
- d) draft order from army to corps and divisional command
- e) draft order appointing courts

2. By reason of forthcoming operations it is requested that the matter referred to in the above papers be taken up with the Commander-in-Chief as quickly as possible.

3. In the event of an affirmative decision it is asked that the necessary signed documents be forwarded to the proper sources through channels promptly, at the same time notifying Angot 15 and Angot, 5 Army Main.

4. May a signed copy of the order delegating Angot officers to sit as summary courts be sent to Angot, 5 Army Main, for early use.

5. With reference to enclosure², the heading "To: General Officer Commanding" would appear to be incorrect.

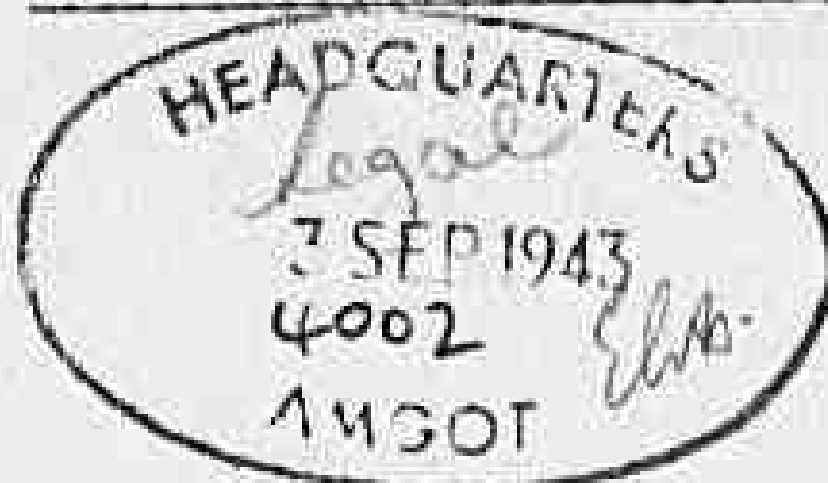
AA
Lt. Col. AUS

TEG

COPY FOR CLO

51

Subject: Constitution of Allied Military Courts. 58



AL/4/326

1. September. 43. 16

Chief Legal Officer,
AMGOT Headquarters,
PALERMO.

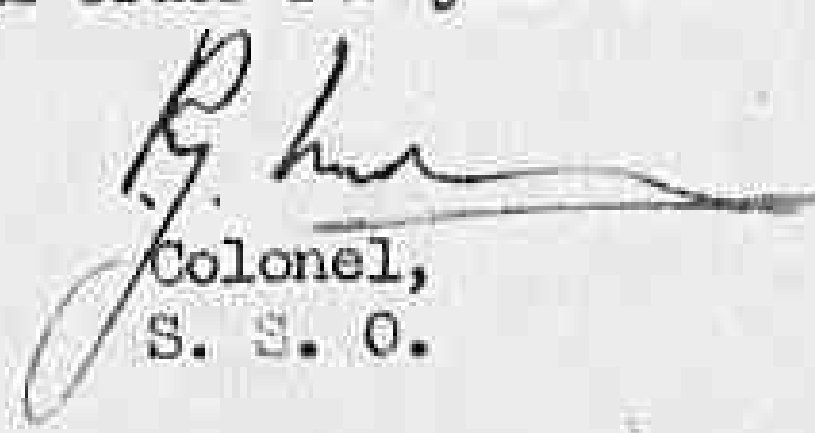
fos 2 fos 27
With reference to your AMGOT/4002/L dated
10. August. 43 and 19. August. 43.

Considerable difficulty is still found in
convening the General Military Court constituted by the
Order of 10. Aug. 43 as varied by the supplementary Order
of 19. Aug. 43.

The reason for this is that both FORTBASE and
Major Howe are now at CATANIA and even if the General
Military Court sits with three officers, one has to come
from a distance.

Might I suggest that the difficulty could be
overcome by constituting a panel of officers by reference
to their appointments, any three of whom sitting together
(one being a judicial officer), might constitute a General
Military Court.

I enclose a draft of the Order for your consider-
ation.


Colonel,
S. S. O.

AMGOT Liaison,
15 Army Group Main,
C. M. F.
HF/JC.

DRAFT

ALLIED MILITARY COURTS - PROCLAMATION No. 4 of 1943.

In terms of Article III, Section 1 of Proclamation 4 of 1943 and by virtue of the powers delegated to me by Sir Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces in Sicily and Military Governor of the Occupied Territory in Sicily by letter dated July 1943 to constitute Allied Military Courts and to appoint members thereof, I, Francis, Baron Rennell of Rodd, Major-General, Chief Civil Affairs Officer, hereby appoint that any three officers holding for the time being one of the appointments mentioned below, one of them being a judicial officer, shall be members of a General Military Court for the trial of any person or persons brought before such Court charged with any offence or offences under any Proclamations or Notices issued by the Military Governor of Occupied Territory in Sicily; and this Court so constituted shall continue to have jurisdiction for the trial of any such persons until dissolved by order under my hand, provided that no person under the rank of Lieut Colonel shall be entitled to sit as President of such a General Military Court.

- (a) Senior Staff Officer, AMOT Liaison, 15 Army Group.
- (b) Senior Civil Affairs Officer, Province of SYRACUSE.
- (c) Junior Staff Officer, AMOT Liaison, 15 Army Group.
- (d) Legal Officers of AMOT in the Province of SYRACUSE.
- (e) Any officer from time to time appointed for this purpose by the Officer Commanding No. 6 Base Sub Area.
- (f) Any Civil Affairs Officer in the Province of SYRACUSE.

The Orders given under my hand at PALERMO on 10. August, 1943 and 29. August, 1943 are hereby rescinded and this Order shall be effective in their place.

offence or offences under any Proclamations or Notices issued by the Military Governor of Occupied Territory in Sicily; and this Court so constituted shall continue to have jurisdiction for the trial of any such persons until dissolved by order under my hand, provided that no person under the rank of Lieut Colonel shall be entitled to sit as President of such a General Military Court.

- (a) Senior Staff Officer, AMOT Liaison, 15 Army Group.
- (b) Senior Civil Affairs Officer, Province of SYRACUSE.
- (c) Junior Staff Officer, AMOT Liaison, 15 Army Group.
- (d) Legal Officers of AMOT in the Province of SYRACUSE.
- (e) Any officer from time to time appointed for this purpose by the Officer Commanding No.6 Base Sub Area.
- (f) Any Civil Affairs Officer in the Province of SYRACUSE.

The Orders given under my hand at PALERMO on 10 August, 1943 and 29 August, 1943 are hereby rescinded and this Order shall be effective in their place.

Major-General,
Chief Civil Affairs Officer.

ALLIED MILITARY GOVERNMENT
15th ARMY GROUP
OFFICE OF SENIOR CIVIL AFFAIRS OFFICER
AGRIGENTO PROVINCE

30 August 1943

SUBJECT: Apprehension of murderers of GENUARDI Antonio, Baron of Molinazzo

TO : Deputy Commissioner of Public Safety, AMGOT

Inclosed herewith is the report of Captain Vincenzo DiDio, Carabinieri Group of Agrigento on the apprehension of PACE Giovanni di Giuseppe e di Gallo Stefana and CATALANO Domenico fu Nicolò e di Rizzo for the murder of Baron Genuardi. These two men are in jail in Agrigento.

It is recommended that the necessary arrangements be made by you with the Chief Legal Officer to send to this city this city sufficient Judicial Officers to constitute a General Court for the immediate trial of these persons. It is believed that this, the first murder trial since the occupation and one in which there appear to be at least some connection with the Mafia, should be tried before a Military Court rather than before the Italian Civil Courts.

G. H. McCATREY, Lt. Col., Inf.
SCAO, AGRIGENTO PROVINCE

C.L.O.

For information. The remainder of the file with three Carabinieri reports is with C.L.O. but you may wish to consider the SCAO suggestion re Military Court.

51
R. McCatrey
Lt. Col.

for Comm. of Public Safety.

1/9/43

Noted. 1/9/43. Will confer w/ C.L.O.

Seen
T. McCatrey

W.D.

Headquarters,

15 Army Group

To:- Commanding General Fifth Army.
General Officer Commanding Eighth Army.

I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General,
General Officer Commanding the Allied Forces in Italy and Military Governor
of the Occupied Territory, hereby authorize and empower you to establish
Allied Military Courts, including General, Superior or Summary Courts in
accordance with the provisions of Proclamation No. 4, and to appoint members
thereof, within the area of the Occupied Territory in which the Allied
Military Government is functioning for the time being under your orders.
This authority may be delegated by you to any officer commanding a Division
or higher unit or formation under your command.

General,
General Officer Commanding
and Military Governor.

Date1943.

50

Headquarters,

15 Army Group.

I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General,
General Officer Commanding the Allied Forces in Italy, hereby appoint all
officers of the Allied Military Government who are acting for the time being
as Civil Affairs Officers of Judicial Officers to sit as a Summary Military
Court in any place in the Occupied Territory.

General,
General Officer Commanding
and Military Governor.

Date1943

SUBJECT: Order for appointment of Allied Military
Courts during Combat Phase.

TO: C.C.A.O.

AMCOT/1002/L.

29th August, 1943.

I annex two forms of orders regarding the appointment of courts during the combat phase for the signature of the General Officer Commanding 15 Army Group which in my opinion should be signed before operations commence.

In planning "Husky" no provision was made for the appointment of Allied Military Courts during the combat phase because it was felt that probably each Army Commander would want to appoint his own Military Courts in accordance with regular British or American procedure, through the J.A.G. Experience has shown in 7th Army, and I am advised also in the 8th Army, that the J.A.G. expected Allied Military Courts to deal with non-military personnel committing proclamation offences, leaving the J.A.G. to handle disciplinary cases against our own troops.

This is a logical and practical division, and in fact had been our original recommendation. Accordingly, in the new plan it is proposed that during the combat phase Allied Military Courts be appointed through the tactical Commander whenever a Court is needed. By not doing so in "Husky", a number of serious offenders have probably escaped justice because the witnesses moved on with the troops and the prisoners in many cases were put in ordinary P.O.W. camps and taken to North Africa.

By the first order, the General Officer Commanding 15 Army Group authorises each Army Commander to convene Allied Military Courts, General, Superior or Summary and appoint members, and to delegate the power of appointment if they so desire to Commanders of Divisions or larger formations. By the second order the General Officer Commanding appoints all AMCOT Officers acting as Civil Affairs Officers as Summary Courts.

The authority is only valid during the time that the Army Commander is responsible for Military Government in any area, so that there will be no conflict with your powers after the operational phase.

Annexed also are copies of the forms of orders for the signature of Army and Division and Corps Commanders. Copies of these are being furnished to the S.C.A.Os. with each Army so that they can obtain the signature of the Army Commander as soon as the annexed orders are signed by the General Officer Commanding.

cases against our own troops.

This is a logical and practical division, and in fact had been our original recommendation. Accordingly, in the new plan it is proposed that during the combat phase Allied Military Courts be appointed through the tactical Commander whenever a Court is needed. By not doing so in "Husky", a number of serious offenders have probably escaped justice because the witnesses moved on with the troops and the prisoners in many cases were put in ordinary P.O.W. camps and taken to North Africa.

By the first order, the General Officer Commanding 15 Army Group authorizes each Army Commander to convene Allied Military Courts, General, Superior or Summary and appoint members, and to delegate the power of appointment if they so desire to Commanders of Divisions or larger formations. By the second order the General Officer Commanding appoints all AGOT Officers acting as Civil Affairs Officers as Summary Courts.

The authority is only valid during the time that the Army Commander is responsible for Military Government in any area, so that there will be no conflict with your powers after the operational phase.

Annexed also are copies of the forms of orders for the signature of Army and Division and Corps Commanders. Copies of these are being furnished to the S.C.A.Os. with each Army so that they can obtain the signature of the Army Commander as soon as the annexed orders are signed by the General Officer Commanding.

AGOT HQ.
15 Army Group.
PW.

W. CHANLER.
Lt. Col. AUS.
Chief Legal Officer.

47

I HEREBY CERTIFY that the annexed order delegating the power to appoint Allied Military Courts is in proper form for signature by the General Officer Commanding.

Dated 29th August, 1945.

AMGOT HQ.
15 Army Group.
PW.

W.C.C.
W. CHAMBERLAIN.
Lt. Col. AUS.
Chief Legal Officer.

46
Headquarters,
15 Army Group.

To: Commanding General Army Army
General Officer Commanding

I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General,
General Officer Commanding the Allied Forces in and Military
Governor of the Occupied Territory, hereby authorize and empower you
to establish Allied Military Courts, including General, Superior or
summary courts in accordance with the provisions of Proclamation No 4,
and to appoint members thereof, within the area of the Occupied
Territory in which the Allied Military Government is functioning
for the time being under your orders. This authority may be
delegated by you to any officer commanding a Division or higher unit
or formation under your command.

General,
General Officer Commanding,
and Military Governor.

August 1943.

47

Governor of the Occupied Territory, hereby authorizes and empowers you to establish Allied Military Courts, including General, Superior or summary courts in accordance with the provisions of Proclamation No 4, and to appoint members thereof, within the area of the Occupied Territory in which the Allied Military Government is functioning for the time being under your orders. This authority may be delegated by you to any officer commanding a Division or higher unit or formation under your command.

General,
General Officer Commanding,
and Military Governor.

August 1943.

41

I HEREBY CERTIFY that the annexed order appointing certain officers to the Summary Courts is in the proper form for signature by the General Officer Commanding.

Dated 25th August, 1943.

12001 HQ.
15 Army Group.
IN.

W.C.C.

S. CHAMBER.
Lt. Col. R.M.
Chief Legal Officer.

I HEREBY CERTIFY that the annexed order appointing
certain officers to be Summary Courts is in the proper
form for signature by the General Officer Commanding.

Dated 29th August, 1943.

MAJOR HQ.
15 Army Group,
Pz.

W. C. C.
W. CHAFFIN.
Lt. Col. AUS.
Chief Legal Officer.

(44)
Headquarters,
15 Army Group.

I, Harold E.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General
General Officer Commanding the Allied Forces in and Military
Governor of the Occupied Territory, hereby appoint all officers of the
Allied Military Government who are acting for the time being as Civil
Affairs Officers or Judicial Officers to sit as a Summary Military
Court in any place in the Occupied Territory.

General,
General Officer Commanding
and Military Governor.

August 1943.

INTERNET: Association of Accredited Military Colleges

200 Colonel Perry.

29 Aug, 1943

 Springer

Government in Italy has shown the importance of having Allied military courts constituted as soon as possible so that our officials can be tried and punished immediately. It is important as a deterrent to potential sabotage work, and also to avoid the loss of witnesses as the troops move on.

Accordingly the new plan which is now being printed provides for continued operation of the existing divisions or agencies and is approved by General Officers Commanding Divisions or Regiments.

2. Each of the suggested forms of orders for this purpose, two to be signed by the General Officer Commanding, 15 Army Group; one delegating the power of appointment to Army Commanders and the other designating all Army officers as honorary justices are assigned forms of order to be signed by the Army Commander authorizing Courts and Divisional Commanders to appoint Courts and a form of warrant for the actual appointment of the Courts.

2a. restoration of the landscape

It was determined to renumber the Civil Instructions in almost unchanged form and to keep the same numbering, in the interests of uniformity.

The only authorized changes at present are in Instructions 1, 2 and 3 and the two following:

It is proposed that Instructions 1, 2 and 3 and the two remaining be placed as one book or volume to correspond to part 1 of the Code of Laws and General Orders 1 and 2 as now in force. Instructions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and General Orders 3 and 4 could follow in another volume if sufficient degree of law and order is restored to make it possible. The remaining instructions are not to be coded until further instructions are received.

I expect to furnish you with 1,200 copies of proclamations Nos. 1, 2 and 3 and the notices in a few days arranged in 100 bundles containing 12 copies of each proclamation. The rest will follow as soon as printed.

signed by the General Officer Commanding, 15 Army Group; one delegating the power of appointment to Army Commanders and the other designating all Army Officers as Army Group. The enclosed forms of order to be signed by the Army Commander authorizing Corps and Divisions Commanders to appoint Courts and a form of warrant for the actual appointment of the Courts.

2. Retention of Proclamations

It was determined to reprint the daily proclamations in almost unchanged form and to keep the same numbering, in the interests of uniformity.

The only authorized changes at present are in Proclamations 1, 2 and 3. It is proposed that Proclamations 1, 2 and 3 and the two notices be posted as now as any town or village is captured and to post Proclamations 4, 5, 6, 11, 13 and General Orders 1 and 2 as soon as a sufficient source of law and order is restored to make it possible. The remaining proclamations are to be posted until further instructions are received.

I expect to furnish you with 1,200 copies of proclamations Nos. 1, 2 and 3 and the notices in a few days arranged in 100 bundles containing 12 copies of each proclamation. The rest will follow as soon as printed.

ARMY G.
15 Army Group.

MAJ. GEN. J. H. G. G.
Y. G. G. G.
Chief Legal Officer.

21

ADJUTANT GENERAL OFFICER COMMANDING

To: General Officer Commanding

I, *General Officer*,
Commanding General
, hereby appoint

and
to be President and
to be members of a General (Superior) Military Court for the trial of all
persons who may be brought before it.

In the Field.

General Officer Commanding

August, 1943.

*Form of appointment, to be
filled in by appointing officer.*

Headquarters,
25 Army Group.

TO: General Officer Commanding,
General Officers Commanding,

Corps.
Divisions.

I, *General Sir Whistling* etc. General Officer
Commanding the *Eight* Army hereby authorize and empower you to
establish Allied Military Courts and to appoint members thereof, in
accordance with the provisions of Proclamation No. 4, within the area of
the occupied territory in which the Allied Military Government is functioning
for the time being under your orders.

General.
General Officer Commanding,
English Army.

August, 1943.

47

(40)

Headquarters,
15 Army Group

TO: Commanding General Army
General Officer Commanding Army

I, Harold R.L.G. Alexander, G.C.B., G.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in and Military Governor of the Occupied Territory, hereby authorize and empower you to establish Allied Military Courts and to appoint members thereof, within the area of the Occupied Territory in which the Allied Military Government is functioning for the time being under your orders. This authority may be delegated by you to any officer commanding a Division or higher unit or formation under your command.

August 1945

General,
General Officer Commanding
and Military Governor

61

(39)
Headquarters,
15 Army Group

I, Harold R.L.G. Alexander, G.C.B., G.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in and Military Governor of the Occupied Territory, hereby appoint all officers of the Allied Military Government who are acting for the time being as Civil Affairs Officers or Judicial Officers to sit as a Summary Military Court in any place in the Occupied Territory.

General,
General Officer Commanding and
Military Governor

August

1943

40

Subject:- Legal appointments

Major I. de L. Radice
Major E.J. Mercer
Capt A. Fuller



Ref: 1/1/1

1. Major I. de L. Radice (B), Major Edwin J. Mercer (A) O-472125 and Captain Ambrose Fuller (A) O-511070 are hereby appointed Judicial Officers of Superior Military Courts and are likewise appointed Summary Military Courts, in and for the Province of Enna.
2. They are authorized to employ such interpreters and stenographers as are necessary in the proper discharge of their duties.
3. Records and reports of their proceedings will be transmitted through this office, attention Senior Legal Officer.

Civil Affairs,
Enna.
25 Aug 43.

[Signature]
Lt. Col.,
A.C.A.O.

Copy to:- AMGOT HQ (2) for attention Chief Legal Officer.

[Handwritten signature]

Subject: Appointment of Summary Military Court Ref: 1/1/L

To: Officers Concerned

(37)

1.	Capt D. Cunningham	Lt H.R. Beard
	" A. Fuller	" R.E. Loeb
	" E. Hanbury	" A. Mack
	" G.F. Hart	" E.L. O'Toole
	" F.A. O'Leary	" A.W. Purvis
	" E.J. Scicluna	" P.M. Snyder
	" R.J. Stubbs	2/Lt W.W. Fearnside

are hereby appointed Summary Military Courts to hear and determine such cases as may arise in the districts and territories under the control respectively of such officers in accordance with the provisions of Proclamation No.4.

2. All records of trial shall be transmitted to this office, attention Senior Legal Officer, for forwarding to Chief Legal Officer for review.

Civil Affairs
Enns.
24 Aug 43

Edmund J. Munn
Major, L.O.,
for Lt Col.,
S.C.A.O.

Copy to: AMGOT HQ (2) for attention Chief Legal Officer

W.C.



15AG/26/CA

24 August

3

TO : Capt. Peyton and Lt. Roberts

SUBJECT: Appointments as Superior and Summary Military Courts.

1. Capt. Frank E. Peyton is appointed a Superior and a Summary Military Court and will discharge the duties of those offices in accordance with AMGOT instructions and orders.

2. Lt. Thomas D. Roberts is appointed a Summary Military Court and will discharge the duties of that office in accordance with AMGOT instructions and orders.

BY COMMAND OF ALLIED MILITARY GOVERNMENT

G. H. McCAFFREY
Lt. Col., Inf.
SCAC

GHMCS/cd

37

CIVIL AFFAIRS OFFICE
PROVINCE OF TRAPANI

13 Via Regina Margherita
TRAPANI (Sicily)



35

Aug. 23, 1943

Subject: Appointment of Summary Courts

To : Chief Civil Affairs Officer, AMGOT,
Palermo, Attention Chief Legal Officer.

fos 2

1. accordance with letter of Aug. 10, 1943, Subject: Constitution of Allied Military Courts, there are enclosed herewith two copies each of four orders of appointment of Summary Courts made in this province since the transmission of the appointments previously made (transmittal letter dated Aug. 14, 1943).

Floyd E. Thomas
Floyd E. Thomas, Lt. Col., Inf.

S.C.A.O. for Trapani

Seen

27/8/43
4102

W.D.
P.L.

36

Civil Affairs Office
City of Trapani
Province of Trapani
Aug. 13 th 1943

I hereby appoint Capt. Thomas G. Brennan to be a Summary
Military Court for Allied Military Government of Occupied Territory.

(Signed) _____

Senior Civil Affairs Officer
for the Province of Trapani.

(Signed) _____

Senior Civil Affairs Officer
For the Province of Trepuni.

WDC

Civil Affairs Office
Province of Thailand

Aug. 21, 1943

I hereby appoint Lt. C. R. Smythe to be a Summary Military
Court for Allied Military Government of Occupied Territory

Floyd E. Whoman, Lt. Col., Inf.

U.S.A.C. for Thailand

338

73

FLOYD H. THOMAS, JR., COL., USAF

800 A.D. FOR FREEDOM

15
13

Civil Affairs Office
Provinces of Trapani

Aug. 23, 1943

I hereby appoint Lt. James Taylor to be a Summary Military
Court for Allied Military Government of Occupied Territory

Floyd E. Thomas, Lt. Col., USA,
S. J. A. O. for Trapani

FLOYD E. THOMAS, JR., Col., Inf.
S.C.A.G. for Trepani

33

WR

Civil Affairs Office
Province of Trapani

AUG. 23, 1943

I hereby appoint Lt. D.J. Bates to be a Summary Military
Court for Allied Military Government of Occupied Territory

Floyd W. Thomas, Lt. Col., Inf.

S.O.A.C. for Trapani

32

100

ALLIED MILITARY GOVERNMENT
Palermo Province

36
HED/

6a

18 August 1943

In exercise of the powers conferred upon me, I Lt. Colonel
Charles Poletti Senior Civil Affairs Officer for the Province of
Palermo hereby appoint the undermentioned officers or any of them
to sit as Superior Military Courts to hear and determine such cases
as may arise in the said Province or any part thereof in accordance
with the provisions of Proclamation No. 4

Lt. Col. J.A. Oglethorpe

Capt. C.W. Atkinson-Grimshaw

Capt. B.A.C. Talbot

Int. Lt. E.B. Torcellini

CHARLES POLETTI

Lt. Colonel, AUS

Senior Civil Affairs Officer

(4002)

(29)

ALLIED MILITARY GOVERNMENT
Palermo Province

20th August 1943

In exercise of the powers conferred upon me, I Lt. Colonel
Charles Poletti Senior Civil Affairs Officer for the Province of
Palermo hereby appoint the undermentioned officers or any of them
to sit as Superior Military Courts to hear and determine such cases
as may arise in the said Province or any part thereof in accordance
with the provisions of Proclamation No.4

Lt.Col. W.R. JORDAN

MAJ. R.N. GORMAN

CHARLES POLETTI
Lt.Colonel, AUS
Senior Civil Affairs Officer.

rec

OFFICE OF THE MILITARY GOVERNOR
PROVINCE OF CALABANGSETTA
CIVIL AFFAIRS

14, August 1943

SUBJECT: Appointment of Superior Military Courts

TO : Officers involved.

1. Major MARTIN J. HANSEN (A) 3-72125, CFC., and Captain A.C. J. HANSEN (B) are hereby appointed Judicial Officers of Superior Military Courts in the Province of Calabangsetta.

2. They are authorized to employ such interpreters and stenographers as are necessary in the proper discharge of their duties.

3. Reports of proceedings will be transmitted through this Headquarters.

DISTRIBUTION:

SCAO ✓

DECAO ✓

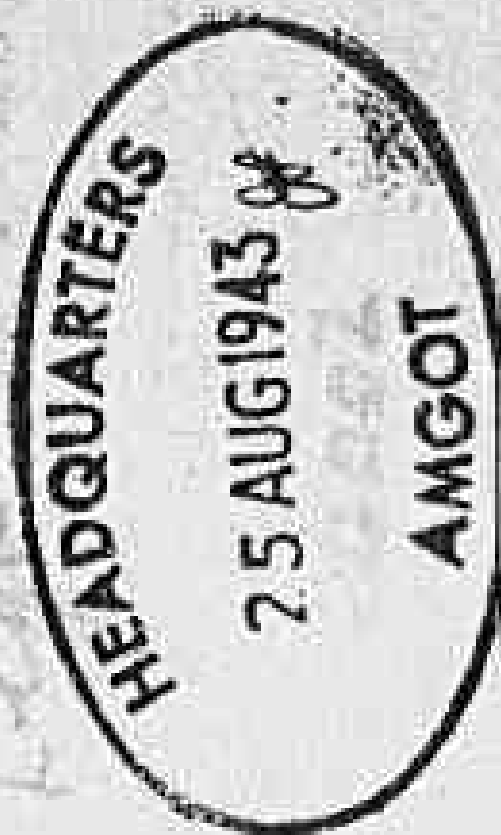
FO ✓

AMGOT Supply ✓

CAPO ✓

Lt Col Francis ✓

W. R. Irish
W. R. IRISH,
Lt. Col., Inf.,
Mil Gov., Calabangsetta.



.. They are authorized to employ such interpreters and stenographers as are necessary in the proper discharge of their duties.

3. Reports of proceedings will be transmitted through this Headquarters.

W. R. Lusk
W. R. Lusk,
Lt. Col., Inf.,
Mil Gov., California.

29

4002

DISTRIBUTION:

SCAG	✓	
DECAO	✓	
FC	✓	
ARGOT Supply	✓	
CAPO	✓	
Lt Col Francis	✓	
Major Mercer	✓	
Capt German	✓	
CAO		
	District No. 1	✓
"	" 2	✓
"	" 3	✓
"	" 4	✓
"	" 5	✓
ARGOT HANG	✓	
Chief Legal Officer Palomares	✓	
File	✓	

W. R. Lusk

Subject: General Military Courts 24

ANGOT/4002/L

19 Aug 1943

To:

Col. R.G. Thorne-Thorne,
Senior Staff Officer,
ANGOT Liaison Section,
15 Army Group.

----- R12.
Ref your letter AC/4/116 of
16 Aug 43 herewith amended Order
signed by C.C.A.C.

W. CHANLER.

Lt. Col.
Chief Legal Officer.

ANGOT HQ
15 Army Group.

(26)

AMGOT/4002/L

ALLIED MILITARY COURTS - PROCLAMATION NO 4 OF 1943

P. 4.

Ref my Order AMGOT/4002/L of 10 Aug 1943 appointing a General Military Court any three of the officers referred to therein shall constitute a Court and have jurisdiction for the trial of any person brought before it, provided at least one is a judicial officer of AMGOT.

Given under my hand at PALERMO this 19th day of August 1943:


Major General, 27
Chief Civil Affairs Officer.

**CIVIL AFFAIRS OFFICE
PROVINCE OF TRAPANI**

13 Via Regina Margherita
TRAPANI (Sicily)

Subject: Appointment of Summary Courts.

To : C.C.A.O., Angot, Palermo, Attention Chief Legal Officer.

I. In accordance with letter of Aug. 10, 1943, Subject:-
Constitution of Allied Military Courts, there are enclosed
herewith two copies of all orders of appointment of Summary
Courts heretofore made in this province. No appointment of
a Superior Court has as yet been made.

Floyd E. Thomas
Floyd E. Thomas, Lt. Col., Inf.

S.C.A.O. for Trapani

1945

Aug 22
File

win

HEADQUARTERS

21 AUG 1943

AMGOT

Aug. 14, 1943

Civil Affairs Office
City of Trapani
Province of Trapani

Aug. 13th 1943

I hereby appoint Capt. Henry L. Glenn. to be a Summery Military
Court for Allied Military Government of Occupied Territory.

Floyed E. Thomas, Lt. Col., Inf.

Senior Civil Affairs Officer
for the Province of Trapani

Civil Affairs Office
City of Tropani
Province of, Trepani

Aug. 11th 1943

I hereby appoint Major R.D. Hildebrand to be a Summary
Military Court for Allied Military Government of Occupied Territory.

Thomas J. Michie, Major, A.C.
Senior Civil Affairs Officer
for the Province of Trepani

Civil Affairs Office
City of Trapani
Province of Trapani

(22)

Aug. 11th. 1943

I hereby appoint Capt. H.R. Kennedy to be a Summary Military
Court for Allied Military Government of Occupied Territory.

Thomas J. Michie, Major, A.C.

Senior Civil Affairs Office
for the Province of Trapani

Thomas J. Michie, Major J.A.C.

Senior Civil Affairs Office
for the Province of Trapani

21

21

Civil Affairs Office
City of Trapani
Province of Trapani

Aug. 11th 1943

I hereby appoint Capt. W.V.D. Jequier to be a Summery Military
Court for Allied Military Government of Occupied Territory.

Thomas J. Michie, Major, A.C.

Senior Civil Affairs Officer
for the Province of Trapani

23

20

Civil Affairs Office
City of Trapani
Province of Trapani

Aug. 11th. 1943

I hereby appoint Capt. C.E. Godbold to be a Summary
Military Court for Allied Military Government of Occupied Territory.

Thomas J. Michie, Major, A.C.

Senior Civil Affairs Office
for the Province of Trapani

22

Civil Affairs Office
City of Trapani
Province of Trapani

August 11th, 1943

19

I hereby appoint Capt. P.C. Lewis. to be a Summary Military
Court for Allied Military Government of Occupied Territory.

Thomas J. McGuire, Major, A.D.
Senior Civil Affairs Officer
for the Province of Trapani

I hereby appoint Capt. P.C. Lewis, to be a member of the
Court for Allied Military Government of Occupied Territory.

Thomas J. Blumie, Major, A.G.
Senior Civil Affairs Officer
for the Province of Trapani

18

Civil Affairs Office
City of Trapani
Province of Trapani

AUST 11th.1943

I hereby appoint Capt. R. W. H. Dyer to be a Summary Military
Court for Allied Military Government of Occupied Territory.

Thomas J. Michie, Major, A.E.
Senior Civil Affairs Officer
for the Province of Trapani

20

17

Civil Affairs Office
City of Trapani
Province of Trapani

Aug. 11th. 1943

I hereby appoint Capt. V.D. Kelsart to be a Summary Military
Court for Allied Military Government of Occupied Territory.

Thomas J. Michie, Major, A.C.

Senior Civil Affairs Office
for the Province of Trapani

19

ALLIED MILITARY GOVERNMENT OF SICILY.

Order by Chief Legal Officer under Article II
of Proclamation No. 8.

By virtue of the power vested in me by para. 5 (1) of the Rules of Procedure for Allied Military Courts (Revised Edition), I, WILLIAM C. CHAMBER, Lt. Col. (A.U.S.), Chief Legal Officer of the Allied Military Government of Sicily, do hereby ORDER that until further notice all charges against persons in the Province of PALERMO for exceeding the maximum prices for foodstuffs and goods (Black Market Offenses) shall be brought before a Superior Military Court for trial.

Dated this 16th day of August, 1943.

W.C. Chamber Lt. Col. (A.U.S.)
Chief Legal Officer, A.M.G., Sicily.

To:-- S.C.A.C., Palermo.
S.L.C. "

Copy to C.L.O.

15

ALLIED MILITARY COURTS.



By virtue of the powers delegated to me as SENIOR CIVIL
 AFFAIRS OFFICER of the Province of SYRACUSE by the CHIEF CIVIL
 AFFAIRS OFFICER in SICILY by communication dated 10th August, 1943,
 I hereby appoint..... a SUMMARY/SUPERIOR
 Military Court.

SYRACUSE,
 15 AUG 43.
 JMS.

LT COL.
 S.C.A.O.
 A.M.C.O.C.

SUBJECT: Appointment as Summary Court.

TOS/2.

Major M. De Meligrore, Syracuse. (also Superior Court)

Major J. A. Alaron, Syracuse.
 Lieut. J. B. Dunsen, Lentini.
 Major Alton, Noto.
 Capt. J. Cervulachi, Syracuse.
 Capt. J. J. Pearson, Floridia.
 Lieut. H. J. Boyet, Palazzolo.

1. Enclosed herewith, for your information, is a copy
 of Instructions of the C.C.A.O., concerning the appointment of
 Military Tribunals.

2. Also enclosed herewith is your appointment as Summary
 Military Court.

10001.
S.C.A.O.
A.H.C.O.F.

SUBJECT: Appointment as Summary Court.

Major M. De Molle, Syracuse. (also Superior Court)

Major J. A. Aldron, Newark.

Lieut. J. E. E. Dunsen, Lansing.

Major Ames, New.

Capt. J. Cervulachi, Syracuse.

Capt. J. H. Pearson, Florida.

Lieut. H. H. Royce, Palazzo.

1. Enclosed herewith, for your information, is a copy of Instructions of the C.A.O., concerning the appointment of Military Tribunals.

2. Also enclosed herewith is your appointment as Summary Military Court.

STAGION.
15 Aug 43.
M.

10001.
S.C.A.O.
A.H.C.O.F.

14
ALLIED MILITARY GOVERNMENT
(GOVERNO MILITARE ALLEATO)

HEADQUARTERS

19 AUG 1943

AMGOT

CIVIL AFFAIRS OFFICE
(UFFICIO DEGLI AFFARI CIVILI)

Agrianto, 18 August 1943

TO : Chief Legal Officer, AMGOT, 15 Army Group
SUBJECT: Appointment of Summary and Superior Military Courts.

1. In accordance with instructions contained in the CCAO's memorandum, dated 10 August 1943, AMGOT/4002/L, 2 copies of an order appointing military courts in this province are attached.

G. H. McCaffrey
G. H. McCaffrey

Lt. Col., Inf.

SCAO

TO : Chief Legal Officer, AMGOT, 15 Army Group

SUBJECT: Appointment of Summary and Superior Military Courts.

1. In accordance with instructions contained in the CCAO's memorandum, dated 10 August 1943, AMGOT/4002/L, 2 copies of an order appointing military courts in this province are attached.

G. W. Mc Caffrey
G. H. McCAFFEY

Lt. Col., Inf.

SCAO

(13)

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY
CIVIL AFFAIRS OFFICE
AGRIGENTO

August 18, 1943.

Special Orders No. 8

1. The following officers are appointed members of a Superior Military Court for the Province of Agrigento.

Lt. Col. G. H. McCaffrey
Lt. Col. Richard H. Hill, Judicial Officer
Capt. R. E. H. Thierry
Capt. J. J. Keigwin
Capt. William D. Staples, Judicial Officer
Capt. Wendell E. Phillips
Capt. A. C. Saunders

1st Lt. Hiram S. Gans, Judicial Officer
Lt. Burch R. Johnson
Lt. L. A. E. Eddings
Lt. C. Noble
Lt. Frank Raab
2d Lt. Victor Kovenick
2d Lt. Frank J. Amoruso

Such courts will sit only as directed by the SCAO or the Province Legal Officer, Lt. Col. Richard H. Hill.

2. The following officers are appointed Summary Military Courts

Lt. Col. G. H. McCaffrey
Lt. Col. Richard H. Hill
Capt. J. J. Keigwin
Capt. R. L. H. Thierry
Capt. William D. Staples
Capt. Wendell E. Phillips
Capt. A. C. Saunders
Lt. Hiram S. Gans
Lt. Burch R. Johnson

Capt. William D. Staples, Judicial Officer
 Capt. Wendell E. Phillips
 Capt. A. C. Saunders
 1st Lt. Hiram S. Gans, Judicial Officer
 Lt. Burch E. Johnson
 Lt. L. A. E. Eddings
 Lt. C. Noble
 Lt. Frank Raab
 2d Lt. Victor Kovenich
 2d Lt. Frank J. Amoruso

Such courts will sit only as directed by the SC40 or the Province Legal Officer, Lt. Col. Richard H. Hill.

2. The following officers are appointed Summary Military Courts

Lt. Col. G. H. McCaffrey
 Lt. Col. Richard H. Hill
 Capt. J. J. Keigwin
 Capt. R. L. H. Thierry
 Capt. William D. Staples
 Capt. Wendell E. Phillips
 Capt. A. C. Saunders
 Lt. Hiram S. Gans
 Lt. Burch E. Johnson
 Lt. L. A. E. Eddings
 Lt. C. Noble
 Lt. Frank Raab
 2d Lt. Frank J. Amoruso

15

and will perform the duties of that office in accordance with ANGOT instructions and orders.

3. Capt. Frank E. Peyton, Capt., CMF, is appointed Prosecutor for the Superior and Summary Allied Military Courts for the Province of Agrigento, effective this date.

By Command of Allied Military Government

GEORGE H. McCAFFREY
 Lt. Col. Inf.
 Senior Civil Affairs Officer

Subject: General Military Court.

Chief Legal Officer,
H.Q. AMGOT,
PATERNO.



Reference AMGOT/4002/4 dated 10 Aug. 43 and Order constituting a General Military Court enclosed therewith.

1. Considerable difficulty has been experienced in arranging a day on which the Court is to sit owing to the fact that there are five officers on the Court.
2. Would it be possible to alter the Order to the effect that of the five officers mentioned in the Order, any three of them (one being a judicial officer), sitting together, could sit as a properly constituted Court.
3. This would appear to be within the spirit of Article 3, Section 1 of Proclamation No. 4 and the effect of the alteration would very greatly speed up the administration of justice by the General Military Court and also would enable the Court to function, notwithstanding that one or two of the officers named in the Order were sick or otherwise unable to be present.

P. L.
COLONEL,
S. S. O.

14

AMGOT Liaison,
15 Army Group Main,
FIELD.
HP/JG.

Capt. Peyton as
Prosecutor and
Pvt. P. P. P. P. P.
or the other
to all of them
and
in the year 1875

SUBJECT: Constitution of General Military Court

AL/6

11 Aug. 43.

TO:
Legal Officer
AMGOT Syracuse.



Forwath Order signed by Chief Civil Affairs Officer constituting a General Military Court.

Col. Thomas Thorne, the President, and Capt. H. Farver are both at this H.Q.

Owing to the amount of work passing through this office it would be much appreciated if as long notice as possible could be given of the sitting of any General Military Court.

It is understood that there are certain persons remanded to a General Military Court by the C.A.O. Ragusa for offences, mainly sabotage, whom it is urgently wished to bring to trial.

The terms of this order make it possible for these persons to be tried by Court at Syracuse, if this course is convenient, subject of course to there being no properly constituted ^{General} Military Court for the Province of Ragusa.

H. Lane Apr. Jr.

Colonel,
S.S.O.

AMGOT Maison,
H.Q. 15 Army Group Main,
Field.

12

COPY TO:
AMGOT PALERMO.

*Seen to P.C.
C.L.C.*

No. 785016

121105 143510Z 000000

HEADQUARTERS
10021

40214

14 AUG 1943

AMGOT

16

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Page 10/19

$C_{2v}(H_2O)$	15	10	10
$C_{2v}(H_2O_2)$	9	10	10
$C_{2v}(H_2O_2)(\mathcal{R})$	9	10	10

4502/4

An order has now been signed, under authority from the G-2-C, by the Chief Civil Affairs Officer setting up a General Military Court for trial of persons charged with offenses under International and National

A General Military Court has full power to try all offences under the proclamation, e.g. sabotage, cutting of telephone cables, assisting escape of enemy paratroopers etc.; and can pass any sentence including a death sentence, the latter being subject to confirmation by the G-in-C.

ALTON LARSON,
H. S. 15 Jerry Canyon Road,
Field.

H. F. Cap Jan

USLOWL,

0211 2011

ANNALS OF THE ENTOMOLOGICAL SOCIETY OF AMERICA

11

(9)

ALLIED MILITARY GOVERNMENT
Palermo Province

CP/mr

13 August 1943

4002/L

HEADQUARTERS
11 AUG 1943
AMGOT

SUBJECT: Constitution of Allied Military Courts

TO : Headquarters, AMGOT, Palermo
Attention: Chief Legal Officer

Two copies of an Order dated 12 August 1943 and signed by Lt. Colonel Charles Poletti are forwarded herewith in accordance with paragraph 6 of the Order of the C.C.A.O. dated 10 August 1943.

for *Mr. Deilli Sgar*
CHARLES POLETTI
Lt. Colonel, AUS
Senior Civil Affairs Officer

See memo 128

10

ALLIED MILITARY GOVERNMENT
Palermo Province

OP/nr

13 August 1943

ORDER APPOINTING SUMMARY AND SUPERIOR COURTS IN THE PROVINCE OF PALERMO:

In accordance with the powers conferred on me, I, Lt. Colonel Charles Poletti, Senior Civil Affairs Officer for the Province of Palermo, hereby appoint the undermentioned officers or any of them to sit as Summary and/or Superior Courts to hear and determine such cases as may arise in the said Province or any part thereof in accordance with the provisions of Proclamation No. 4.

S/Ldr H.M. Dickie
Major J. Dowmer
Major D.C. Foster
Major C. Haley
Major W. Huntzicker
Capt. R. C. Bond
Capt. J.F. Davies
Capt. W.R. Hare
Capt. H.M. Kelley
Capt. W. A. Lacey
Capt. F.C. Mavis
Capt. J.O. Maude
Capt. J. McKay
Capt. P.A. Negretti
Capt. F.A. Pearl
Capt. J.C. Wilimovsky
Capt. F.L. Vecchiolla

Lt. H.M. Adams
Lt. W.E. Bullock
1st Lt. A. Ciliberti
1st Lt. W.H. Ferguson
1st Lt. P.T. Ficrella
1st Lt. F.G. Geach
1st Lt. F. C. V. Hayward
1st Lt. W. Lessa
1st Lt. M.E. Marshall
1st Lt. E.K. Mathews
1st Lt. C.E. Perry
1st Lt. E.J. Roberts
2nd Lt. J.G. Atkinson
1st Lt. M.J. Hopkins

CHARLES POLETTI
Lt. Colonel, AUS
Senior Civil Affairs Officer

Chief Legal Officer. 4602/2

HEADQUARTERS

12 AUG 1948

AMGOT

⑦

P

Refers attached SC/4 12 AUG 1948 I consider it
essential we should have Major General D. ad on
Present in and get the case going. Great interest in being
taken in this matter by 15 Army Group and we must get
King on the right lines at the start. How arrange
Bill? Richard Hornham 12/8

ARMY FORM C-2128

MESSAGE FORM

Serial No. 6
 No. of Groups 20
 OR

CALL
AND
INSTRUC-
TIONSIN
OUT

(ABOVE THIS LINE IS FOR SIGNALS USE ONLY)

TO FILPOT FOR AMBOT

FROM AMBOT SYRACUSE

Originator's Number

SC/4

Date

12

In-Profile Number

For general trial appointed GORMAN
 Chief Court Syracuse Mayor previously
 Legal appointed and GORMAN assigned
 Officer 10 Rogers as SYRACUSE
 0 August cases Prosecutor temporarily
 Reference for suggest at

This Message may be sent AS WRITTEN
by any means
* (Except)This Message must be sent IN
CIPHER if liable to interception
or to fall into enemy handsOriginator's Instructions
Degree of Priority

Time of Origin

1145

() Wireless

Signature W. H. H. H. Signature

T.H.I.

T.O.R.

7

* Originator may delete "Except" and insert "Including." (BELOW THIS LINE IS FOR SIGNALS USE ONLY.)

System In	Time In	Reader	Sender	System Out	Time Out	Reader	Sender	System Out	Time Out	Reader	Sender

Action: Capt. Peyton sent 16/8. Major Gorman not available. W. H. H. H.

Subject:- Constitution of Allied Military Court

AMGOT/4002/L

10 Aug 43

(5)

AMGOT
HQ 15 Army Group
SYRACUSE.

1. I send herewith an order in triplicate signed by the Chief Civil Affairs Officer, appointing a General Military Court for the trial of persons charged with offences under Proclamations or notices in the province of Syracuse.
2. It is hoped that one of the officers nominated by the General Officer Commanding Portbase, Syracuse, may be a member of the J.A.G.'s department.

Major,
for Major-General,
Chief Civil Affairs Officer.

POT/1003/1

4

ALLIED MILITARY COMMISSIONS - PROCLAMATION NO 4 OF 1943.

In terms of Article III Section 1 of Proclamation 4 of 1943 and by virtue of the powers delegated to me by Sir Harold H.L.G. Alexander, C.O.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and Military Governor of the Occupied Territory in Sicily by letter dated July 1943 to constitute Allied Military Courts and to appoint the members thereof, I Francis, Bryan Dunsell of Rodd, Major-General, Chief Civil Affairs Officer, hereby appoint Colonel Richard Thorne Thorne to be President and Major R.A. Howe, Capt William Farrar and two other officers to be nominated by the General Officer Commanding Portofino Area, Syracuse to be members of a General Military Court for the trial of any person or persons brought before such court charged with any offence or offences under any Proclamations or notices issued by the Military Governor of the Occupied Territory in Sicily; and this court so constituted shall continue to have jurisdiction for the trial of any such persons until dissolved by order under my hand.

Given under my hand at Palermo this tenth day of August 1943

10/8/43
Approved for
Signature of C.D.A.O.
W.R. Phelan H. del.
C.D.O. Bugey

295 *Francis*
Major-General,
Chief Civil Affairs Officer.

5

ARMY FORM C-212B

MESSAGE FORM

402/6

Serial No.

Office Date Stamp

3

CALL
AND
INSTRUCTIONS

IN

OUT

No. of Groups
GR.

(ABOVE THIS LINE IS FOR SIGNALS USE ONLY)

TO FOR 7th ARMY FOR MESSAGE

FROM FOR 7th ARMY ADVISORY BOARD FROM HENRI

Originator's Number

Date
2 August

In Reply to Number

Delegation

of

POWER

to

NO

signed

by

Alexander

as

drafted

(.)

You

may

convene

Military

Courts

in

my

name

(.)

This Message May be sent AS WRITTEN
by any means
(Letter)

and Wireless

Signature

D. H. H. H.

Signature

and Insert "Including"

Originator may delete "Except" and Insert "Including"

Originator's Instructions
Degree of Priority

Time of Origin

11 00

T.H.H.

T.O.R.

L

(BELOW THIS LINE IS FOR SIGNALS USE ONLY)

System In	Time In	Reader	Sender	System Out	Time Out	Reader	Sender	System Out	Time Out	Reader	Sender

Subject: Constitution of Allied Military Courts

AMCOT/4002/L

10 Aug 43

1. Each Senior Civil Affairs Officer is hereby authorized to appoint, by special order, such Summary and Superior Courts he may deem necessary, to hear and determine such cases as may arise in the districts and territories under his control in accordance with the provisions of Proclamation No. 4.

2. All Senior Civil Affairs Officers are authorized to sit as a Summary Military Court or as a member of a Superior Military Court.

3. All Officers of AMCOT who are lawyers by profession are hereby designated as Judicial Officers within the meaning of Proclamation No. 4.

4. No officer not assigned to AMCOT will be appointed to an Allied Military Court without the consent of his Commanding Officer.

5. Civil Affairs Police Officers will not be appointed to Allied Military Courts.

6. Two copies of all such orders or appointment will be forwarded to this Headquarters directed to the attention of the Chief Legal Officer.

[Signature]

Major-General Lord Rennell of Rodd,
Chief Civil Affairs Officer.

AMCOT
15 Army Group.

1. Each Senior Civil Affairs Officer is hereby authorized to appoint, by special order, such Summary and Superior Courts he may deem necessary, to hear and determine such cases as may arise in the districts and territories under his control in accordance with the provisions of Proclamation No. 4.
2. All Senior Civil Affairs Officers are authorized to sit as a Summary Military Court or as a member of a Superior Military Court.
3. All Officers of AMCOT who are lawyers by profession are hereby designated as Judicial Officers within the meaning of Proclamation No. 4.
4. No officer not assigned to AMCOT will be appointed to an Allied Military Court without the consent of his Commanding Officer.
5. Civil Affairs Police Officers will not be appointed to Allied Military Courts.
6. Two copies of all such orders of appointment will be forwarded to this Headquarters directed to the attention of the Chief Legal Officer.

AMCOT
15 Army Group.

Major-General Lord Rennell of Roda,
Chief Civil Affairs Officer.

3

AMGOT/4002/L

ALLIED MILITARY COURTS - PROCLAMATION NO 4 OF 1943.

In terms of Article III Section 1 of Proclamation 4 of 1943 and by virtue of the powers delegated to me by Sir Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and Military Governor of the Occupied Territory in Sicily by letter dated July 1943 to constitute Allied Military Courts and to appoint the members thereof, I Francis, Baron Rennell of Redd, Major-General, Chief Civil Affairs Officer hereby appoint Colonel Richard Thorne Thorne to be President and Major M.D. Howe, Capt Hugh Farrer and two other officers to be nominated by the General Officer Commanding Fortbase Area, Syracuse to be members of a General Military Court for the trial of any person or persons brought before such court charged with any offence or offences under any Proclamations or notices issued by the Military Governor of the Occupied Territory in Sicily; and this court so constituted shall continue to have jurisdiction for the trial of any such persons until dissolved by order under my hand.

Given under my hand at Palermo this tenth day of August 1943

/s/ RENNELL
Major-General,
Chief Civil Affairs Officer.

A TRUE COPY:

COPY/

July 1943

I, Sir Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and Military Governor of the Occupied Territory, hereby delegate to Francis Baron Rennell of Rodd, Major General, Chief Civil Affairs Officer, all powers which I possess to constitute Allied Military Courts and to appoint the members thereof, whether General Military Courts, Superior Military Courts or Summary Military Courts, and I hereby vest in the said Chief Civil Affairs Officer all powers which I have under Proclamation No. 4 heretofore issued by me, in connection therewith. In the event of the absence or inability to act of the Chief Civil Affairs Officer, such powers may be exercised by the Deputy Chief Civil Affairs Officer or any other officer authorized to act in the place of the Chief Civil Affairs Officer,

/sgd/ H. R. Alexander.

GENERAL

General Officer Commanding the Allied Forces
and Military Governor.

