

ACC

10000/142/31
(VOL. I)

CORRESPONDEN
INSTRUCTION
APR. 1944 - JA

10000/142/31
(VOL. I)

CORRESPONDENCE REGARDING & AMENDMENTS TO "CONSOLIDATED
INSTRUCTIONS FOR A.M. COURTS "
APR. 1944 - JAN. 1945

Closed

11 Jan 45.

See 132
VOL II



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE

IL COMMISSARIO FEDERALE

70A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4002/10/L

WEB/mt.
11 January 1945.

SUBJECT : Amendments to Consolidated Instructions.
TO : Regional Commissioner (Attn: Regional Legal Officer),
SOUTHERN Region.

1. Reference your L 2021 of 9 Jan 1945 I otherwise your interpretation.
2. Para 2 of Sec 4 of Art. 33 is in amplification, not in limitation, of Para 1.
3. The following situations require consideration.
 - (a) The AMG court is held in Italian Government territory. The Italian authorities cannot interfere. This is stated in para 1 and para 2 does not apply.
 - (b) The AMG court is held in Military Government territory. The Italian authorities cannot interfere during the time the territory is under MG administration. This is stated in para 1 and para 2 does not apply.
 - (c) The AMG court is held in Military Government territory which is subsequently restored to the Italian Government. The Italian authorities cannot interfere after restoration. This is inherent in para 1 and, for the sake of clarity, stated expressly in para 2.

By command of Rear Admiral STONE:

131

W. E. BURENS,
Colonel,
Deputy Chief Legal Advisor.

4002/10 *file*

(69A)

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-2021

9 January 1945

SUBJECT: Amendments to Consolidated Instructions.

TO : Chief Legal Advisor, Legal Sub-Commission,
Allied Commission, HQ, C.M.F.

1. I invite attention to new Section 4 of Article 33 of the Consolidated Instructions.

2. Paras. 1 and 2 of this new Section seem to be contradictory.

3. If the 2nd Para. is to be regarded as imposing a limitation upon the first then it means that in this Region it is open to the Italian Courts to vary all sentences which have been passed by Allied Military Courts since the date of restoration of territory and certainly to vary all sentences now being passed by the Special Military Courts in the Bari Zone.

4. Please confirm or otherwise the above interpretation.

130

L. F. Dawson

L.F. DAWSON,
Lieut.Colonel, G.L.,
Reg.Legal Officer,
Southern Region, A.C.

LFD/mo

DCLA

I cannot understand DAWSON's point - perhaps
because I know what I wanted to say & foolishly
imagine I have said it!

LC
10 Jan

68A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

8 January 1945.

AC/4002/10/L

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : AFHQ, (Military Government Section).

Copies of Amendments to the above Instructions are forwarded as undermentioned:

- (a) - Five copies for your information.
- (b) - Twenty copies for you to forward to E.T.O.

These Instructions were forwarded to you under cover of this Sub-Commission's letter AC/4002/10/L of 13 May 44.

I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

129

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

67A

AG/4002/10/L

8 January 1945.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : "A" Branch, HQ., No. 1 District
"A" Branch, HQ., No. 2 District
"3" Branch, HQ., No. 3 District

Herewith 3 copies of Amendments to the above instructions,
3 copies of which were forwarded to you with this Sub-Commission's
letter AGC/4002/10/L dated 13 May 44.

12-

I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

120

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

8 January 1945.

AC/4002/10/L

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : "A" Branch, HQ. ¹⁵ ~~1st~~ Army Group.

Herewith 3 copies of Amendments to the above instructions,
3 copies of which were forwarded to you with this Sub-Commission's
letter AC/4002/10/L dated 13 May 44.

I.G.H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer
for Chief Legal Adviser

HEADQUARTERS ALLIED COMMISSION
ATO 394
LEGAL SUB-COMMISSION

65A
/mt.
4 January 1945.

AC/4002/10/L

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : P.A., Chief Commissioner A.C.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts which were forwarded with this Sub-Commission's letter AC/4002/10/L dated 13 May 44.

lc
I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

126

FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

64A

/mt.
4 January 1945

ACC/4002/10/1

SUBJECT : "Consolidated Instructions for Allied Military Courts"
TO : Public Safety Sub-Commission.
Finance Sub-Commission. _____

Herewith two copies of amendments to Consolidated
Instructions for Allied Military Courts which were forwarded
with this Sub-Commission's letter ACC/4002/10/1 dated 13 May 44.

I. Campbell H. H. H.
I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Adviser. 125

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

4 January 1945.

AC/4002/10/L

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : Office of Chief of Staff, Hq., AC.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts which were forwarded, this Sub - Commission's letter AC/4002/10/L dated 13 May 44.

J. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

121

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4002/10/L

62A
/mt
4 January 1945.

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : P.A. to Chief of Staff, A.C.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts which were forwarded this Sub-Commission's letter AG/4002/10/L dated 13 May 44.

12
J. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
For Chief Legal Advisor.

123

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

67A
/st.
4 January 1945.

AC/4002/10/L

SUBJECT : "Consolidated Instructions for Allied Military Courts"
TO : Civil Affairs Sec.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts which were forwarded with this Sub-Commission's letter AC/4002/10/L dated 13 May 44.

I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
For Chief Legal Advisor.

122

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GOA

AG/4002/10/L

/mt.
4 January 1945.

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : Public Relations Officer.

Herewith one copy of amendments to Consolidated Instructions
for Allied Military Courts which were forwarded, this Sub -
Commission's letter AG/4002/10/L dated 30 May 44.

16
I. S. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

121
16

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4002/10/L

59A
/mt.
4 January 1945.

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : Security Branch, HQ., AC.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts a copy of which you have in your possession.

IC
I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor. 120

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

58A

AG/4002/10/L

4 January 1945.

SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : Archives Branch, Hq., AG.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts which were forwarded to you on 21 June 1944.

lc
I. G. H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

119

HEADQUARTERS ALLIED COMMISSION

JPC 394

CIVIL AFFAIRS SECTION

/re.

AC/4002/10/L.

2nd January 1945

SUBJECT : Amendments to Consolidated Instructions for Allied Military Courts.

TO :	Regional Commissioner, Sicilian Region.	3 copies	X
"	" Southern Region	60	X
"	" Lazio-Umbria Region	25	X
"	" Abruzzi-Marche Region	50	X
"	" Sardegna Region	5	X
"	" Toscana Region	75	X
"	" Emilia Region	60	X
"	" Liguria Region	40	X
"	" Piemonte Region	50	X
"	" Lombardia Region	100	X
"	" Venetia Region	100	X
"	Senior Civil Affairs Officer, 5th Army	50	X
"	" " 8th Army	50	X

1. Copies of printed amendments to Consolidated Instructions for A.M. Courts have been despatched on the scale shown above.

2. It is important that a copy of these amendments should reach all officers in any way concerned with Allied Military Courts, i.e., Regional and Provincial Commissioners and Executive Officers, legal officers, police officers and C.Os, all of whom should already be in possession of the Consolidated Instructions.

3. Regional Commissioners of Southern, Lazio-Umbria, Abruzzi-Marche and Toscana Regions and C.Os, 5th and 8th Armies will please use their best endeavours to ensure that a copy reaches all such officers who may be within their respective regions or any areas at present, regardless of the region to which such officers may be permanently assigned and regardless of their present employment.

4. On the basis of para 3 above, the issue to Liguria, Piemonte, Lombardia and Venetia Regions should be ample, as a large proportion of the officers assigned to those regions will receive their copies through the regions in which they are at present doing temporary duty.

5. Further copies of the amendments are available if required.

118

1. Copies of printed amendments to Consolidated Instructions for I.M. Courts have been despatched on the scale shown above.

2. It is important that a copy of these amendments should reach all officers in any way concerned with Allied Military Courts, i.e., Regional and Provincial Commissioners and Executive Officers, Legal Officers, Police Officers and C.Os, all of whom should already be in possession of the Consolidated Instructions.

3. Regional Commissioners of Southern, Lazio-Umbria, Abruzzi-Marche and Toscana Regions and SOLOs, 5th and 8th Armies will please use their best endeavours to ensure that a copy reaches all such officers who may be within their respective regions or army areas at present, regardless of the region to which such officers may be permanently assigned and regardless of their present employment.

4. On the basis of para 3 above, the issue to Liguria, Piemonte, Lombardia and Venezia Regions should be ample, as a large proportion of the officers assigned to those regions will receive their copies through the regions in which they are at present doing temporary duty.

118

5. Further copies of the amendments are available if required.

By Command of Rear Admiral GORME :

9184111

G. R. UPJOHN, Director,
AF 24 Sec
Dep CDS AC

Packed &
Despatched by

7/4 J. F. F. F.
2 Jan 47

EXTRACT

56A

File
4002/10

HQ. Venezia Region
Allied Com.
APO 394

17 Dec. 44

File No. RXII/LE/Reg/J/03.

4. Paragraph 7.

As I was not present at the Meeting, there is presumably no note of the requirements of this Region in respect of Amendments to the Consolidated Instructions. I should like to have 160. This is based on the fact that 150 copies of the book were recently received from you, for distribution to new officers; and I should like the additional 10 copies to cover the cases of officers like myself who had already previously obtained their copies of the book.

H. G. WILMER
Col.
Regional Legal Officer,
Venezia Region

117

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

55A
WXB/jpl

7 Dec. 44

File 4002/10/L
AO/4014/2/L
Subject: Allied Military Courts

To : Finance Sub Commission

1. Your 13016/T of 5 December 1944 is not entirely clear to us.
2. The scope of Military Police and FSS work in relation to AM Courts cover all phases of pre-trial work in cases to be heard in Allied Courts and includes attendance in Court to give evidence.
3. It is no part of Military Police or FSS work to handle cash involved in a case, either when such cash represents an article to be forfeited by the Court e.g. the proceeds of an illegal sale or when it is paid by the accused for bail, fine etc. It may happen that the military police confiscate, on arrest, suspected property which may include cash. This money is held for production before and at the disposition of the AM Court.
4. A copy of the Consolidated Instructions for AM Courts is attached. Your attention is directed to Articles 28 and 29.

Copy to File 4002/10/L

W. E. BEHRENS
Colonel
Deputy Chief Legal Adviser

Copy of Consolidated Ins.

116

Red - WKmanhew 5/7

ALLIED MILITARY GOVERNMENT

I, CONSTANTINE NIKOLAI BISHOP, Group Captain, Senior Civil Affairs Officer, hereby APPOINT Colonel H.G. WILLMER (RG) to be President and Major W.E. LEVIE and Major R. JUMMER to be members of a General Military Court for the trial of all persons who may be brought before it.

In the Field.

Dated 2 DEC 1944

Cyprus
Group Captain,
Senior Civil Affairs Officer,
A.M.G. EIGHTH ARMY.

DISTRIBUTION:

Col. H.G. WILLMER (RG), R.L.O. Venezia Region, Cattolica.
Major W.E. LEVIE, R.L.O. Emilia Region, Riccione.
Major R. JUMMER, c/o 'A' Branch, Rear Eighth Army.
H.Q., Allied Commission, A.P.O. 394.

LEGAL SUB COMMISSION

LO

LO

Chief Counsel

CIO

Relation

C X

113

5 DEC 1944

HEADQUARTERS ALLIED COMMISSION
Legal Sub Commission
Umbria Lazio Region

4 Dec. 44

Received this day 4 copies of Consolidated Instructions for Allied
Military Courts

Giuseppe Vicini for
Maj. K.P. Hendrickson

file

111

HEADQUARTERS ALLIED COMMISSION
APC 324
ITALY SUB-COMMISSION

10/1402/10/1.

523 December 44. /12.

SUBJECT : Consolidated Instructions.

TO : Regional Commissioner, LACIO-UMBRIA Region. (2)
(Att: Regional Legal Officer)

Ref L/1017 of 1st Dec 44.

1. I enclose herewith Capt. PAIR's Letter and 4 copies of the Consolidated Instructions for issue to the officers he names.
2. Please draw Capt. PAIR's attention to the fact that the Instructions are "Restricted" and that the Forward signed by the then Executive Commissioner directs that "in particular the contents will not be disclosed to Italian lawyers". The reason for this is that they are prepared as a guide for Allied Officers and are therefore not appropriate for issue to Italians even if working with AMI.

By command of Commodore STONE :

W. E. BURGESS,
Colonel,
Deputy Chief Legal Advisor.

Incls.

113

4002/10
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394
523
D-6131

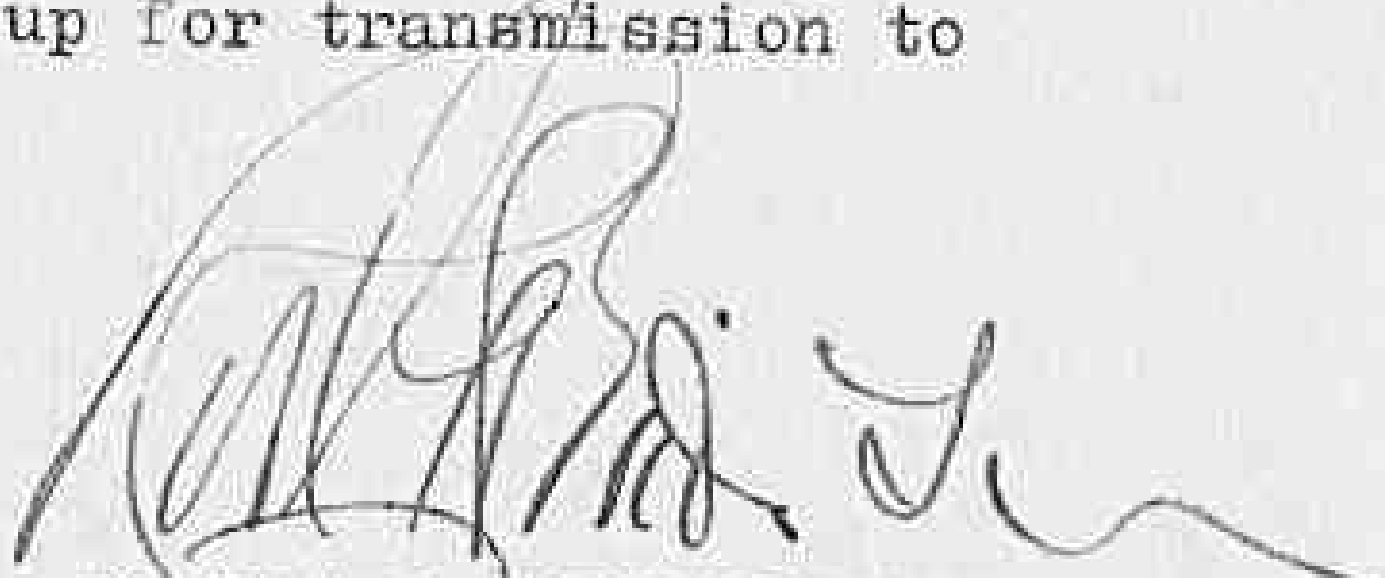
L/1017

1 DECEMBER 1944

SUBJECT : Consolidated Instructions
TO : Legal Sub-Commission Hdqrs A.C.
(attn. Capt. Levy)

1. Enclosed herewith letter from Captain FALK
in reference to the above.

2. If extra copies of the Consolidated Instructions are available, we will be glad to send a messenger over to your Headquarters to pick them up for transmission to Capt. FALK.


ROBERT C. HENDRICKSON
Major A.U.S.
Regional Legal Officer

Incl. Letter from Provincial Legal Officer, Perugia Province.
113

RCH/CG.

2 DEC 1944



Per/D/02

LEGAL

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
PERUGIA PROVINCE

Recd. 30-11-1944

SUBJECT: Consolidated Instructions

To: HQ
LAZIO-UMBRIA REGION

May strenuous efforts be made to obtain further copies of Consolidated Instructions for Allied Military Courts for this province.

They are required for:

Captain Geller

Major Belshaw

Lt. Gasperine

Captain Leach

Avv. Stratta

Avv. Tiberini

C.A.O. North Group

C.A.O. East Group

C.A.O. North-Eastern Group

C.A.O. West & South Group

Public Prosecutor East & South-East Group

Perugia City and Superior Court

E. V. Falk

E.V. FALK Captain

Provincial Legal Officer

HQ
Perugia 27/II/1944.

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Amendments to Consolidated Instructions

REF. : AMR/511/25

DATE : 1 Dec. '44

4002/10

file

1. I have now received estimate of numbers of above required for Marche District of this Region. It amounts to 30.
2. I am not certain what basis of computation has been used but I gather there are enough spare copies to allow a fairly generous distribution.
3. L.O. Abruzzi asked for 10. This makes total of 40 for this Region.

For the Regional Commissioner

LEGAL SUB-COMMISSION
CJO
DELO
Chief Counsa.
CJO
Italian Sec. of
CL RKS
4 DEC 1944

R. G. S. ALEXANDER, Major
R.L.O.

R. G. S. Alexander

110

1832

File 400219
 SUBJECT: consolidated instructions for A.M. Courts.

Legal
 Maj. Rear Eighth Army.

34/114

12 Nov 44.

504

1. to Allied Commission.

1. Reference your AC/4002/10/1 of 31 Oct 44.

2. Receipt is acknowledged of the a/a publications:

- (a) 24 copies Consolidated Instructions for A.M. Courts;
- (b) 24 copies proclamations 1-4, new series, (booklet form);
- (c) 24 copies proclamations 1-4, new series, (loose leaf).

P. B. B. Tamm

Lt. Col. RA.

I.D. 1,

Maj. Rear Eighth Army.

for Gt. Capt. S. G. S.

16 NOV 1944

1003

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

505
Legal (49A)
mt
30 Oct. 44

AC/4002/1

SUBJECT: Amendments to Proclamation Booklets.

TO : Regional Commissioner - Attention Regionale Legal Officer
TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA and VENEZIA
Regions.

1. Reference AC/4002/10/L. of 16 Oct 44, owing to an error only half the necessary amendments to Proclamation Booklets were sent to each region.

2. The following further distribution is therefore being made

TOSCANA.....	25
EMILIA.....	80
LIGURIA.....	40
PIEMONTE.....	50 ✓
LOMBARDIA.....	100
VENEZIA.....	100

3. Please acknowledge receipt.

BY COMMAND OF COMMOBRE STONE:

W. F. STONE
W. F. STONE, Colonel,
Deputy Chief Legal Advisor.

1st Ind

To: 146 AC APO 394 Legal Sub Commission
2 Nov 44

1. Receipt acknowledged.

108

Edmond M. ...
Edmond M. ... R. L. O.
for R. L. O.

1000/10

48A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394

Ref. LE/5050

1st November 1944

SUBJECT : Amendments to Proclamation Booklets.

TO : Legal Sub-Commission, Allied Commission Headquarters - APO 394

Reference your ACC/4002/L dated 30th October 1944.

Receipt is acknowledged of a further 100 copies of Amendments to Proclamation Booklets.

For the Regional Commissioner:

H. M. Dickie
for H. M. DICKIE,
W/Cdr., RAF
Regional Legal Officer.

107

js.

HEADQUARTERS LIGURIA REGION
ALLIED COMMISSION

4002/10
LIG/LEG/4.

1 november 1944.

SUBJECT : Amendments to Proclamation Booklets.

TO : ACC. Legal Sub-Commission.

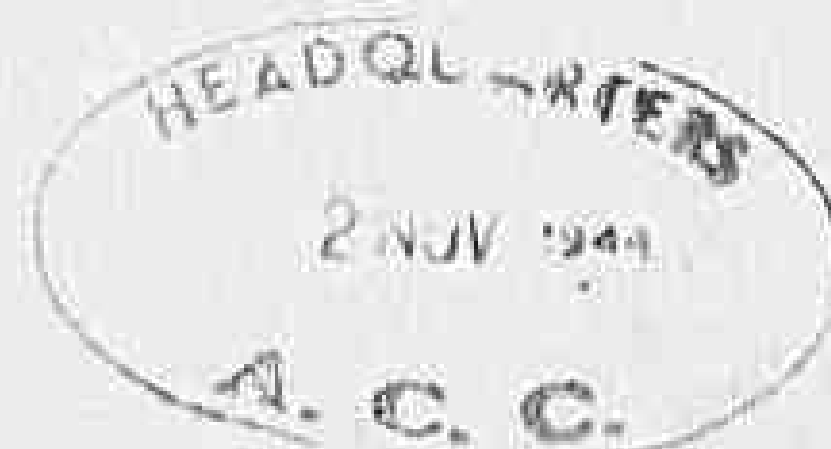
1. Receipt is hereby acknowledged of 40 additional copies of amendments to Proclamation booklets enclosed in your AC/4002/L/ letter dated 30 october 1944.

W. G. Elder
W. G. ELDER.

LI - Col:

Regional Legal Officer

Liguria Region.



100

(46A)

PUBLICATIONS ON HAND

1) - CONSOLIDATED INSTRUCTIONS.....	77
2) - PROC. AMEND.....	240
3) - ITAL. RULES OF PROCEDURE.....	323
4) - PROCS 1 - 4 (Booklet form new series).....	90
5) - PROCS 1 - 4 (loose leaf) new series	86
6) - PROC 1 loose leaf.....	100
Gen. MacFarlane Preamble.	
7) - PROCS 1 - 4 (booklet form).....	29
(Gen. Mac Farlane Preamble)	

SUBMITTED

T/4 Joseph Latella

105

31 Oct 44

HEADQUARTERS ALLIED COMAL ION
Legal Sub-Commission
APO 394

/jpl

31 Oct. 44

AC/4002/10/L

Subject: CONSOLIDATED INSTRUCTIONS for A.M. COURTS.

To : SCMD, 3th Army Rear.

1. Reference your cable H/1872 of 30 Oct. 44.

2. The following publications have been dispatched under separate cover:

- (a) 24 copies Consolidated Instructions for A.M. Courts;
- (b) 24 copies Proclamations 1-4, new series, (booklet form);
- (c) 24 copies Proclamations 1-4, new series, (loose leaf).

3. Please acknowledge receipt.

By command of COMADORE STONE.

K.
W.E. BEARDSLEY
Colonel
Deputy Chief Legal Advisor.

101

4002/10

(44A)

9504

43/30

BQ ACC

IN CLEAR

AM G S ARMY REAR

ROUTINE

H/1872

OCT 300915

Legal
Can you look
after this
AL
CA Lec
30 Oct

Require 24 copies consolidated instructions AMG Court. 000 General Order number

1. 1000 each notices number 1 2 and 3

complied with
4002/10 31 Oct



DIST

ACTION C & SGT (2) 100
INFO A/CC
FILE (2)
FLOST

(9400)

OCT 301415

(HEADQUARTERS ARMYED CORPS) IN
APO 94
LEGAL SUB-COMMISSION

(43A)

AC/450319

10 Oct. 44

SUBJECT: Amendments to Proclamation Booklets.

TO : Regional Commissioner - Attention Regional Legal Officer
Panama, Canal Zone, Liberia, El Salvador, Costa Rica, and Venezuela
Regions.

1. Reference AC/450319/L. of 10 Oct 44, owing to an error only half the necessary amendments to Proclamation Booklets were sent to each Region.

2. The following further distribution is therefore being made

COLOMBIA.....	25	✓
GUATEMALA.....	50	✓
EL SALVADOR.....	40	✓
EL SALVADOR.....	60	✓
COSTA RICA.....	100	✓
VENEZUELA.....	100	✓

3. Please acknowledge receipt.

BY COMMAND OF JAMES H. STONE

W. B. STONE, Colonel,
Deputy Chief Legal Advisor.

102

del
4002/10

42A

HEADQUARTERS SWILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

SI/dsh.
23 October 1944.

Ref: RIX/LE/771/25

SUBJECT: Amendments to Proclamation Booklet.

TO: Chief Legal Officer, Legal Sub-Commission, Headquarters,
Allied Control Commission.

33A?

1. Reference you AGC/4002/10/L regarding above subject we find that we require an additional supply of 80 copies for proper distribution among the Provinces.

For the Regional Commissioner:

HEADQUARTERS
27 OCT 1944

J. P. Laidlaw
S. LAIDLAW, Lieut., for
WILLIAM H. LEVIT
Major, J.A.C.D.
Regional Legal Officer.

4002/10
✓

41A

HEADQUARTERS VENEZIA REGION
Allied Control Commission
APO 394

22 October 1944.

TO : Chief Legal Adviser, Legal Sub- Commission,
A.C.C.

SUBJECT: Amendments to Proclamation Booklets.

FILE No: RXII/LE/Reg/D/OI.

Receipt is acknowledged of your ACC/4002/IO/L
of 16 October 1944 enclosing 100 copies of amendments
to the Proclamation Booklets.

H. L. Binner

Colonel,
Regional Legal Officer
Venezia Region.

*Planned
file
and follow*

(40A)

*use 32/10
for file*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394

Ref No. L/5050

24 October 1944

Subject: Amendments to Proclamation Booklets.

To : Legal Sub-Commission, A.C.C. Headquarters
APO 394

1. Reference your ACC/4002/10/L dated 16th Oct 1944.
2. Receipt is acknowledged of 100 copies of amendments to the Proclamation Booklets.

/aar

for *Hamil Lt Col.*
H.M. DICKIE
W/Cdr., RAF
Regional Legal Officer

[Large handwritten checkmark]

402/10

74

Legal

39A

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/771/16

/dsh.
22 October 1944.

SUBJECT : Amendments to Proclamation Booklets.

TO : Chief Legal Officer, Legal Sub-Commission, Headquarters,
Allied Control Commission, APO 394, U.S. Army.

1. We have this day received your AGC/4002/10/L together with
80 copies of the amendments to the Proclamation Booklets.

For the Regional Commissioner :

William H. Levy
WILLIAM H. LEVY
Major, J.A.G.D.
Regional Legal Officer.

HEADQUARTERS
25 OCT 1944
A. C. C. 98

HEADQUARTERS
JOINT CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

298
Regal 38A

/pa.
16 Oct 44.

ACC/4002/10/1.

SUBJECT : Amendments to Proclamation Booklets.

TO : Regional Legal Officer ...
...
Region. (AMM: 10).

1. Enclosed please find 60 ... copies of amendments to the Proclamation Booklets.

2. Please acknowledge receipt.

By Boyd Hunt for

RICHARD H. WILSON,
Colonel, USA,
Chief Legal Officer.

382 1st Ind EJB/jlc
HQ PIEDMONT REGION, APO 394, U. S. ARMY 21 OCT 44

TO: CIO, Legal Sub-Commission, Hq ACC

1. Receipt acknowledged.

For the Regional Commissioner:

Edwin J. Mercer

EDWIN J. MERCER
Lt Col, Ord
Regional Legal Officer 97

HEADQUARTERS
23 OCT 1944
A. C. G.

File
4002/10

HEADQUARTERS
ALLIED CONTROL COMMISSION
LIGURIA REGION
LEGAL DIVISION

76
(37A)

18 october 1944

LIG/LEG/1.

SUBJECT : Amendments to Proclamation.

TO : ACC.Legal Sub-Commission. ✓

1. Receipt is acknowledge of 40 copies of amendments to Proclamation booklets enclosed in your ACC.4002/10/1 letter dated 16 October 1944.



W. G. Elder
W. G. ELDER.
Lt - Col:
Legal Officer
Liguria Region.

File

(36A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
AFC 394

ACC/4002/10/L.

/pa.
16 Oct 44.

SUBJECT : Invoice for printing.

TO : Executive Officer, HQ, ACC.

1. Enclosed please find invoice for printing 500 copies of Consolidated Instructions for Allied Military Courts and 1500 copies Rules of Procedure (Italian translation).

2. Will you please authorize payment as requested in our ACC/4002/10/L of 27 September 1944 and arrange for the money to be transmitted to the printers.

C
RICHARD H. WILLIAMS,
Colonel, C.A.C.,
Chief Legal Advisor.

95

file 4002/10/L

13 Oct. 44

35A

The following obligations on Campbell on court were given out.

8 Oct. 2 Campbell on Courts, 2 loose leafs Procs 1-4 and 2 booklet forms of latter.
(By order of Col. Behrens to an officer(maj.)
13 1 Campbell on Courts 1 ~~maxx~~ loose leaf and booklet form to Lieut Bryce.
13 1 Campbe on Court 1 loose leaf and booklet form to a Maj. order of
Lt. Bryce ..

Cpl. Latella.

4002/10
✓

34A
/BT

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394
LEGAL DIVISION

12 October 1944

SUBJECT : Legal Publications.

TO : C.I.O., Hq., A.C.C., Legal- Sub-Com. APO 394.

1. Receipt is acknowledged of the legal publications described in letter of transmittal of 13 Sept 44, ref., ACC/4002/10/1, in the number described therein.

Edwin J. Mercer

EDWIN J. MERCER,
Lt. Col. Ord.,
Regional Legal Officer.

*File
Seen by
Lt. Byrd*



33A

1 file

HEADQUARTERS
ARMED FORCES OF THE PHILIPPINES
LAW OFFICE
APO 354

AFM/1002/10/L.

/pa.
16 Oct 64

SUBJECT : Amendments to Proclamation Booklet.

TO : Regional Legal Officer Region (TRIG: 10).

1. Enclosed please find copies of amendments to the
Proclamation Booklets.

2. Please acknowledge receipt.

WFB
WILLIAM F. WILSON,
Colonel, MAC,
Chief Legal Officer.

91

AMENDMENTS TO CONSOLIDATED INSTRUCTIONS FOR ALLIED MILITARY COURTSArt. 12 - ps 34 Add:

8 - The section of the Proclamation that makes an offence of committing any act to the prejudice of good order of the occupied territory or of the safety or of the security of the Allied Forces, should not be used to found a charge unless

(a) there is no other article in the Proclamation that will cover the facts alleged against the accused;

(b) there is evidence to prove that the accused was in fact guilty of conduct to the prejudice of good order or the safety or security of the Allied Forces.

This section should never be used as a mere safe/guard in the alternative to ensure a conviction even though the main charge is not proved.

Art. 12 Sentence ps 54 add:

A note should always be added to the record showing what aggravating or mitigating circumstances have been taken ^{into} account in assessing sentence. This is especially important when the sentence is either heavier or lighter than the average.

AMENDMENTS TO CONSOLIDATED INSTRUCTIONS.

of the Allied Forces.

This section should never be used as a mere safe/guard in the alternative to ensure a conviction even though the main charge is not proven.

Art. 12 Sentence p: 54 add:

A note should always be added to the record showing what aggravating or mitigating circumstances have been taken ^{into} account in assessing sentence. This is especially important when the sentence is either heavier or lighter than the average.

ALTERNATIVE TO CONCURRENT SENTENCES.

Art. 14 - 3 (p:37)

Concurrent sentences do not exist under Italian law.

When an accused is convicted of more than one offence and each of such offences carries a tentative punishment of the same kind, the Court must impose one term covering all charges on which he has been found guilty (see Art. 73 P.S.)

This term must be not less than the aggregate of the minimum penalties and not greater than the aggregate of the maximum penalties

./.

- 2 -

provided for such offences nor must it exceed the limits laid down in Art. 78 P.C.

When the accused is similarly convicted but the offences carry detentive punishments of a different kind the Court must impose penalties of the different kinds separately and in full (see Art. 74 P.C.)

Add. 4 The Court will annex as part of the Record a short judgment setting out briefly.

(a) The findings of the Court on questions of fact which may amount to mitigating or aggravating circumstances.

(b) The provision of law under which the accused was convicted including any aggravating or mitigating circumstances which have been taken with consideration in deciding the sentence of the Court (quoting appropriate Arts).

Art. 12 P. 34: Add.

7 - When the action of the accused amounts to two offences under the Proclamation and where these two offences arise from substantially the same set of facts the greater offence should be charged. When there is some doubt as to whether there is evidence to prove ^{by} greater offence the lesser offence should be charged in the alternative

e.g. Charge 1 - Stealing property of the Allied Forces contrary to Proc See: - Art: -

(b) The provision of law under which the accused was convicted including any aggravating or mitigating circumstances which have been taken with consideration in deciding the sentence of the Court (quoting appropriate Arts).

Art. 12 P. 34: Add.

7 - When the action of the accused amounts to two offences under the Proclamation and where these two offences arise from substantially the same set of facts the greater offence should be charged. When there is some doubt as to whether there is evidence to prove ^{by} the greater offence the lesser offence should be charged in the alternative e.g. Charge 1 - Stealing property of the Allied Forces contrary to Proc See: - Art: -

or alternatively charge 2 Being in possession of property of the Allied Forces contrary to Proc: - Art: - see - -

The more serious charge should appear first on the charge sheet.

Art. 20 Arrangement P. 49 Add:

When the accused is charged with two offences in the alternative and pleads guilty to the more serious offence the Court should accept this plea and disregarding the lighter charge proceed with the plea of guilty as below.

When the accused pleads guilty to the lesser offence and not

./.

- 3 -

Guilty to the greater the Court should try him as if he had pleaded not guilty to both charges.

Art. 20 - Verdict p. 53 Add.

When the accused is charged with two offences in the alternative he cannot be found guilty of both these charges, even though conviction on the one necessarily reveals guilt on the other. The Court ~~shall~~ find the accused guilty of one charge and dismiss the alternative charge.

Art. 22 - 1 (a) p. 58 line 2 add: "Not obtained by force or by trickery or by promise of benefit or reward".

Art. 25 Power of Punishment p. 63 Add:

A person charged before a Summary or Superior Court is charged as one case however many charges are brought against him at that time. It follows that the total punishment awarded in respect of all those charges must not exceed the total which the particular Court has jurisdiction to award in any one case in accordance with the above rules.

88

Art. 33 - 3 (p. 83) delete and substitute:

In any other case such an application will be considered and disposed of by the Regional Commissioner unless, it being either the ^{written}

Art. 22 - 3 (a) v: 58 line 2 add: "Not obtained by force or by trickery or by promise of benefit or reward".

Art. 25 Power of Punishment p: 61 Add:

A person charged before a Summary or Superior Court is charged as one case however many charges are brought against him at that time. It follows that the total punishment awarded in respect of all these charges must not exceed the total which the particular Court has jurisdiction to award in any one case in accordance with the above rules.

88

Art. 33 - 3 (p: 83) delete and substitute:

In any other case such an application will be considered and disposed of by the Regional Commissioner unless, it being either the class of cases the review of which is reserved to the Chief Commissioner the Regional Commissioner is of the opinion that it raises some point of law or fact which should be considered by the Chief Commissioner".

~~AMENDMENTS TO CONSOLIDATED INSTRUCTIONS~~

Rules of Procedure 9 (b) (p: XI) - NOTE: If the advocate for the accused wishes to argue that no case has been made out, he must be

..//.

- 4 -

permitted to do so and his argument considered. If his argument is rejected the advocate must then decide for himself whether he will rest on his submission or whether he will call fresh evidence. If he rests on his submission and the Court convicts the accused, it is open to the advocate to argue in his petition for review that there was no evidence to support the conviction. If, however, he calls evidence and the accused is convicted, it is no longer open for the petition for review to attempt to exclude the evidence given for the defence in arguing that there was no evidence to support the conviction. Such evidence, once given, forms part of the complete record of the case and the whole of that record ^{42/11} ~~case~~ be examined to see if there is evidence to support the conviction.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rlp.
4 October 1944.

ACC/4041/L.

SUBJECT : Penalties under Italian law.

TO : Regional Legal Officer, SICILIA, SOUTHERN LAZIO, ABRUZZI-MARCHE,
SARDEGNA, TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA and VENEZIA.

1. Art. 14, par. 3 of Consolidated Instructions for Allied Military Courts deals with trials in Allied Military Courts in which the charge is laid under Italian law and provides that in such cases "the offence is punishable only as provided by Italian law."

2. In this connection your attention is drawn to the Penal Code, Art. 71 et seq and particularly to the following points:

a. Concurrent sentences do not exist under Italian law;

b. Where an accused is convicted of more than one offence and each of such offences carries a detentive punishment of the same kind, the Court must impose one term covering all charges on which he has been found guilty (see Art. 73);

c. Clearly, such term must be not less than the aggregate of the minimum penalties, and not greater than the aggregate of maximum penalties, provided for such offences; nor must it exceed the limits laid down in Art. 78;

d. Where an accused is similarly convicted, but the offences carry detentive punishments of a different kind (e.g., reclusioni, reclusioni militari, arresto and ergastolo), the Court must impose penalties of the different kinds separately and in full (see Art. 74).

3. Sufficient copies hereof are forwarded for distribution to H.Qs.

for / *Complete* LFCM
RICHARD H. WILMER,
Colonel, G.S.C.
Chief Legal Advisor.

87

4002/10

H.R. ALLIED CONTROL COMMISSION, LEGAL SUB-COMMISSION

31A

Subject: Amendments to Proclamations.

To: Regional Legal Officer TOSCANA, EMILIA, LIGURIA, PIEMONTE,
LOMBARDIA and VENEZIA Regions.

The following amendments will be issued to all holders (present and future) of the prints of Procs 1 to 4 distributed in accordance with ACC/4002/10/L of 13 Sep 44.

7 Oct 44

RICHARD H. WILSON
COL., GAC; Chief Legal Adviser

REPERE	DELETE	SUBSTITUTE
PROC No. 1		
Preamble, p.1; line 2-3	Under Command of ----Italy	Under my command
Preamble, p.1; line 6-9	And it is the intention----	
	-----Italian Government	
Preamble, p.1; line 10	This restoration	Further restoration
		of territory
Preamble, p.1; line 11	The whole of	
Preamble, p.1; line 16	This	
Preamble, p.2; line 5-7	Ellery W. Stone-----	
	-----vested in me by	
Part 1, Art. 1 line 3	the said	me as
Part 1, Art. 1 line 14	As may be deputed	As I may depute
Part 1, Art. 1 line 6,12,13, 14	him (or his)	me (or my)
Part 1, Art. 2 line 2,2.4,7	him (or his)	me (or my)
Part 1, Art. 9 line 4.4.6.7	him (or his)	me (or my)
In all Proclamations	Signature as printed	H.R. ALEXANDER General Commander in Chief Allied Armies of Italy and Military Governor

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(304)

AOQ/4002/10/L

4 Oct. 44

Subject: Printing of Amendments
To : H. Q. Comd't. (Printing Sec.)

1. It is requested that 1,100 (one thousand one hundred) copies of the enclosed amendment to ~~print~~ of Procs. 1-4 be printed.

2. May this please be done in small type and on the smallest suitable paper.

Encl: Amendments to Proclamations.

WfB
RICHARD H. WILMER
Colonel, CAC
Chief Legal Advisor

85

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

78A

ACC/4002/10/L.

/sp.
27 September 1944.

SUBJECT : Invoice for printing Consolidated Instructions.

TO : Executive Officer , HQ ACC.

1. I enclose herewith an invoice for the printing of 500 copies of the Consolidated Instructions for Allied Military Courts and 1500 copies of Rules of Procedure (Italian Translation).

2. It is regretted that approval was not obtained for incurring this expense before the work was ordered, but the matter was most urgent owing to the activation of the new regions. These books are of the first importance to legal officers and civil affairs officers.

3. It will be appreciated if you will authorize payment of this account.

R
RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

HEADQUARTERS REGION VIII (TUSCANY)
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/2008

4002/10

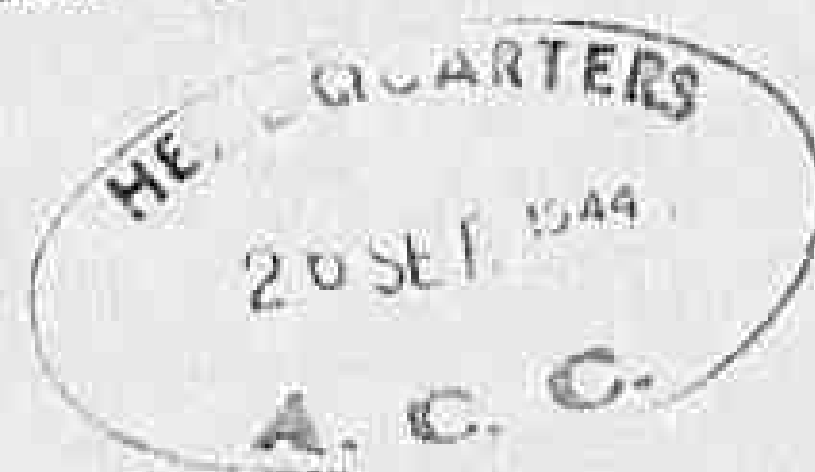
Date: 25 Sept. 44.

SUBJECT: Legal Publications

TO : CLO, HQ, ACC.

Receipt of your letter ACC/4002/10/L dated 13 September 1944 is acknowledged, and the Publications referred to therein have been received safely.

Administrations 844
JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.



4002/12
Wle

74A

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

E-3080

31 September 1944

SUBJECT: Invoice for printing of Consolidated Instructions.

TO : C.I.C. Legal Sub-Commission, A.C.C., HQ.

1. Enclosed is an invoice received to-day from the
Scuola Tipografica Pontificia, Napoli.

2. These Consolidated Instructions books were sent
to your Headquarters on or about 11 September 1944.

For the Regional Commissioner:

L. F. Dawson By E. T. F. *copy*
L. F. DAWSON,
Lt. Colonel, G.I.,
Reg. Legal Officer
Southern Region.

LDF/mo

Encl-

1. Invoice d/d 11 Sept 44
of 18,000 lire c/A.C.C.
Southern Region, Naples.

*It Bryce,
sent to HQ Commandant Acting
Pl. deal. 13*

LEG	SUB COMMISSION	83
CH		
DCR		
Chief Counsel		
CIO		
Legal Section		
C. RIS		

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Committee
APO 394

(734)

25 Sept. 44

ACC/4002/10/L

Subject: Rules of Procedure (Italian translation).

To : Group Captain, Officer, Commanding, AMG, 8th Army

1. Reference your letter OA/146 dated 22 Sept. 44.
2. Enclosed please find 24 booklets Rules of Procedure of AMG Courts.
Italian translation.
3. Please acknowledge receipt of above booklets.

Enc: 24 Ital. Rules of Procedure.

W
RICHARD H. WILMER
Colonel,
Chief Legal Officer.

81

SUBJECT: Rules of Procedure.

4002/10

Legal
AMG Rear Eighth Army.

OA/1/1

(72A)

22 Sep 44.

HQ Allied Control Commission,
Executive Commissioner's Branch.

Copy to: Administrative Section, HQ ACC
(Attn. Legal Sub-Commission)
AMG LO 13 Corps (G/19 of 16 Sep refers.)

1. Please forward 24 booklets Rules of Procedure of AMG Courts
(Italian translation) urgently required.

yes
lc

HEADQUARTERS
24 SET 1944
A. C. C.

P. F. Bunka Tan

Lt. Col. RA,
S.O. 1,
for Group Captain,
Officer Commanding,
AMG Eighth Army.

8

22 Sept. 44

- 1 copy of consolidated instruction
- 1 copy of booklet form of Procs 1-4
- 1 Copy of loose leaf form of Procs 1-4

The above were given to Capt. Mathews, Sicilia region, with approval of Lt. Bryce.

Cpd. Latella.

4002/10. file 70A

HEADQUARTERS REGION IX
ALLIED MILITARY GOVERNMENT
APO 394

Ref: RIX/LE/771.

WHL/nsc.
18 September 1944.

SUBJECT: Legal Publications.

TO : Chief Legal Officer, Legal Sub-Commission, Headquarters,
Allied Control Commission, APO 394, U. S. Army.

1. Reference your ACC/4002/10/1, 15 September 1944, receipt of the Region IX allotment of legal publications is acknowledged.
2. This allotment is sufficient for Region IX requirements.

For the Regional Commissioner:


WILLIAM H. LEVITT
Major, J.A.G.D.
Regional Legal Officer.

69A

ALLIED MILITARY GOVERNMENT
REGION XI
AEO 324
Legal Division.

File : I/5049

16 September 1944

SUBJECT : Legal Publications

TO : Legal Sub-Commission, A.C.C. Headquarters.

Receipt is acknowledged of the following Legal Publications :

100 Consolidated Instructions
250 Rules of Procedure
100 Proclamations in booklet form
100 Proclamations (loose leaf)

For the Regional Commissioner:

H. W. DICKIE
H. W. DICKIE
W/Comdr., RAF
Regional Legal Officer.

js.

71

AB

Inventory of the below mentioned publications..... 15 Sept. 44

(68A)

	OLD STOCK	Totals
Consolid. Inst.	19	
Loose Leaf Proc.	126	
Booklet Proc.	57	
Rules of Proc.	30	

	NEW STOCK
Rules of Procedure	391
Book. Proc.	100
Loose Leaf	83
Con. Inst.	92

Consolidated Instructions	101
Rules of Procedure	421

Cpl. Latella.

76

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

AOC/4002/10/L.

/ap.
13 September 1944.

SUBJECT : Legal Publications.

TO : Regional Legal Officer (Thru RC), Region 8, Region 9,
Liguria Region, Piemonte Region, Region 11, Region 12.

1. Copies of :-

- (1) Consolidated Instructions for Allied Military Courts.
- (2) Rules of Procedure (Italian Translation)
- (3) Proclamations 1-4 (booklet form)
- (4) Proclamations 1-4 (loose-leaf form)

have been dispatched under separate cover according to the following distribution scale :-

REGION	CONS. INSTRUCT.	RUL. OF PROCED.	PROCL. 1-4 (booklet)	PROCL. 1-4 (loose leaf)
✓ 8	25 ✓	150 ✓	25 ✓	25 ✓
✓ 9	80 ✓	200 ✓	80 ✓	80 ✓
✓ Liguria	40 ✓	100 ✓	40 ✓	40 ✓
✓ Piemonte	60 ✓	150 ✓	60 ✓	60 ✓
✓ 11	100 ✓	250 ✓	100 ✓	100 ✓
✓ 12	100 ✓	250 ✓	100 ✓	100 ✓

(67A)

- (2) Rules of Procedure
 (3) Proclamations 1-4 (booklet form)
 (4) Proclamations 1-4 (loose-leaf form)

have been dispatched under separate cover according to the following distribution scale :-

REGION	COMMS. INSTRUCT.	RUL. OF PROCED.	PROCL. 3 (booklet)	PROCL. 3 (loose leaf)
✓ 8	25 ✓	150 ✓	25 ✓	25 ✓
✓ 9	30 ✓	200 ✓	30 ✓	30 ✓
✓ Liguria	40 ✓	100 ✓	40 ✓	40 ✓
✓ Piemonte	60 ✓	150 ✓	60 ✓	60 ✓
✓ 11	100 ✓	250 ✓	100 ✓	100 ✓
✓ 12	100 ✓	250 ✓	100 ✓	100 ✓

2. In the event of the above distribution not providing sufficient copies for the needs of any particular region, application should be made at once to this H.Q. for consideration in the distribution of the small remaining stock.

3. Please acknowledge receipt of the above publications.

RICHARD H. WILKIN,
 Colonel, CAC.,
 Chief Legal Officer.

4002/10
✓
for 60 files

66A

HEAD QUARTERS
ARMED MILITARY GOVERNMENT
REGION VIII

RMIII/19/2008

12 September 1944

SUBJECT : Publications

TO : C.L.O., Hq. AGC.

1. Reference is made to your AGC/4002/10/1 dated 10 September 1944.

2. Receipt of publications, as stated in your above, is acknowledged.

16. JOHN R. WEBER,
Colonel, Infantry,
R.L.O., Region VIII.

W. B. Webster Capt

74

65A

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rm.

ACC/4002/10/L.

10 Sept. 44.

SUBJECT : Publications.

TO : RLO. Region 8.

1. I have today forwarded to you under separate cover:
12 copies Consolidated Instructions complete with
loose leaf booklet of Proclamations.
25 copies Rules of Procedure (Italian Translation).
2. Please acknowledge receipt.

R. H. WILDER,
Colonel, GAO,
Chief Legal Officer.

73

4002/10
✓

(64A)

RECEIVED
MILITARY GOVERNMENT
ROMA VIII

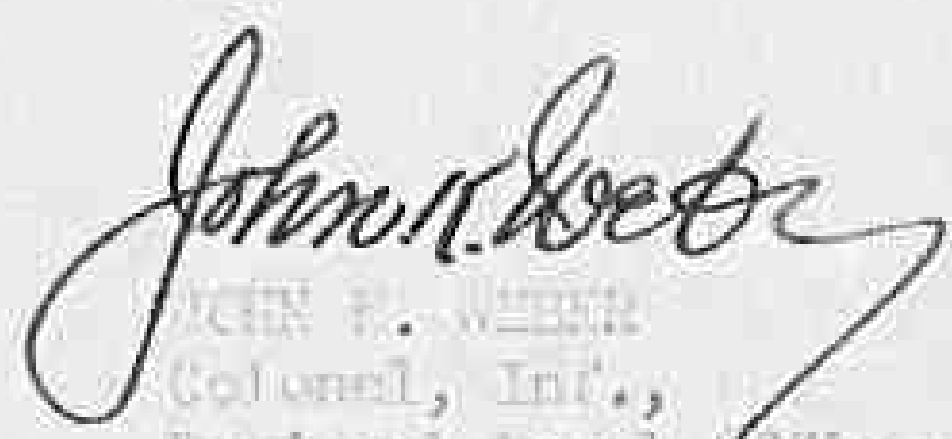
WIT/19/2000

9 September 1964

SUBJECT : Rules of Procedure (Italian Translation)

TO : Chief Legal Officer, HQ, AGF,

Receipt is acknowledged of 50 copies of above,
with your letter AGF/1002/10/L dated 31 August 64.


JOHN R. WEBER
Colonel, Inf.,
Regional Legal Officer

(63A)

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-3089

6 September 1944.

SUBJECT: Printing of "Consolidated Instructions" and
other publications.

TO : CLO, Legal Sub-Commission, ACC, HQ.

1. The office of Contracts and Purchasing, Southern Region, has been instructed to-day to dispatch to you post-haste 500 pamphlets of Consolidated Instructions for Allied Military Courts and 1500 copies of Rules of Procedure (in Italian).

~~From the Regional Commission:~~

L. F. Dawson.

L. F. DAWSON
1st. Colonel, G.I.,
Regional Legal Officer.

LJP/mc

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

71

HEADQUARTERS REGION 12
Allied Control Commission
APO 394

September 4, 1944

TO : Chief Legal Officer, Legal Sub-Commission, ACC.

SUBJECT: Publications.

FILE NO: 8 12/LE/Pag/D/IO.

1. In order that the Legal Division may function adequately, further copies of the undermentioned publications are required. Since it is possible that this Region may have to take the field at very short notice, provision of these publications is a matter of urgency, and I therefore request that their delivery be expedited.

2. The publications referred to are:-

Publication	Copies required
(a) Raccolta Ufficiale (the "Blue Book")	12
(b) Consolidated Instructions	100
(c) Italian Translation of Rules of Procedure	250

Being reprinted

(b) and (c) were requested verbally at the E.C.C. conference on 1 August 1944.

Capt Oats agrees that as 15 complete sets are in preparation the publications under (a) is not required.

15 Sept 44

H. C. Linnner
Colonel,
Regional Legal Officer
Region 12.

70

→ Section

51.00

✓

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4002/10/L.

/gb.
31 Aug 44.

SUBJECT : Rules of Procedure (Italian Translation).
(~~Thru Regional Commissioner~~)
TO : Regional Legal Officer - Region 8.

1. I forward herewith 50 copies of the Rules of Procedure (Italian Translation). I am sorry not to have been able to supply these before.

2. Please acknowledge receipt.

1c
RICHARD H. WILMER,
Colonel CAC,
Chief Legal Officer.

69

604

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/ 4002/10/L.

/gb.
30 Aug 44.

SUBJECT : Printing of Proclamations 1,2,3,4,

TO : Printing Officer. H.Q. A.C.C.

1. I return herewith the proofs of the prints
of Proclamations 1,2,3,4 in small form, duly checked.

2. Please arrange for the printing to proceed
as quickly as possible as specified in this
Sub-Commission's letter ACC/4002/10/L. of 17 Aug 44.

R
RICHARD H. WILDER,
Colonel, C.A.C.
Chief Legal Officer.

68

(59A)

HEADQUARTERS
MILITARY CONTROL COMMISSION
Legal Subcommittee
APO 394

ACC/4088/L

RBW/ap

SUBJECT : Orders etc.

TO : Regional Legal Officer (thru RC) Region V.

1. Reference your R5/511/17 of 18 August 44.
2. Para 1 (a) Six copies of ACC/4027/3/L dated 30 June 44 enclosed as requested.
3. Para 1 (b) General Orders as requested will be forwarded to you by RC and MG Section.
4. Paras 1 (c) and (d) Owing to short supply it is only possible to supply you with 10 copies of the Consolidated Instructions and 25 copies of the Rules of Procedure in Italian. These have been dispatched under separate cover.
5. Para 2 Ref para 2 of your letter one copy of penal code and procedure (in Italian) and one copy of the two military codes were forwarded to you on 18 Aug 44 as requested by your R5/511/2 of 26 Jul 44. No additional copies are available at the present moment at this RC but will be procured and forwarded to you as soon as possible.

Please ack receipt of above documents 12

RICHARD H. WILMER,
Colonel, CAC.,
Acting Chief Legal Officer.

Copy to : ACC/4027/10/L

ACC/4027/3/L

RC & MG Section (will you please dispatch to
RLO Region V : 200 copies of G.O. No. 18
200 " " G.O. " 18
400 " " G.O. " 20

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission

(58A)
/jpl

ACC/4002/10/L

21 Aug. 44

Subject: Printing of Proclamations 1, 2, 3 & 4.

To : Printing Officer, H.Q. ACC.

1. You have in hand the printing of Proclamations 1, 2, 3, & 4 as specified in our letter ACC/4002/10/L dated 17 AUG. 44

2. Please arrange with the printer for the attached note to be printed in small type at the head of Proclamation No. 1.

Enc: "Note."

RC
RICHARD H. WILMER
Colonel, CAC
Acting Chief Legal Officer.

66

NOTE.... Further revision of the preamble to Proclamation No. 1 is under consideration. If any such revision is made and is of sufficient importance, a printed amendment will be issued.

21 Aug. 44

58B

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

57A

ACC/4002/10/L

17 Aug. 44

Subject: Printing of Proclamations.

To : H. Q. Commandant.

1. Enclosed herewith are the following documents:

- (a) Proc. No. 1 (in print with revised preamble in type).
- (b) Proc. No. 2 (revised) (in type)
- (c) Proc. No. 3 (in print)
- (d) Proc. No. 4 (revised) (in type)

2. It is requested that authority be given for the printing of these 4 proclamations as follows:

- (a) in booklet form (as in specimen "A" herewith).....500 copies
- (b) in loose leaf form (as in specimen "B" herewith)...500 copies

3. It is to be noted

- (a) that the enclosed specimens are for use as examples as to format only: the text is out of date.
- (b) The printing in specimens A and B are identical: the only difference is that the print made up according to specimen A are in booklet form: those according to specimen B are prepared in a manner for inclusion in the Consolidated Instructions for Allied Military Courts. Therefore, the above only involves setting up one set of type.

4. The above are required as early as possible, to enable distribution to be made to meet future commitments. May the necessary authority be given and the work put in hand as quickly as possible, please.

1c.
RICHARD B. RILDER
Colonel, CAC

Acting Chief Legal Officer.

Copy to: Printing Officer

63

4002/10
✓

Legal (56r)

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

237

12 August 1944

Re: (1) 844

SUBJECT: Printing of "Consolidated Instructions" and
other publications.

TO : CLO, Legal Sub-Commission, ACC.

(51A)

1. Reference is to your letter ACC/4002/10/L of 2
August 44.2. Instructions have been given to the firm you mention
at POMPEI for the printing of 500 copies of "Consolidated
Instructions for AM Courts" and of 1500 copies of the Rules
of Procedure (in Italian). The proofs of the works, less
the proofs of the Forms included in the "Consolidated
Instructions", have been received and are being checked.3. In accordance with your verbal instructions the
printing of Proclamations Nos. 1 to 4 (new series) is held
up both as part of the "Consolidated Instructions" and as
a separate book.4. The firm at POMPEI is unable to provide the paper.
They require 9 reams 64 x 28, and 180 paper folios for binding.
→ If you can forward this paper to the Supply Officer, Region 3,
this headquarters will arrange for it to be forwarded to
POMPEI.5. The firm hope to be able complete the printing with
7-10 days of next Wednesday or the receipt of the paper whichever
is the later.

LEGAL SUBCOMMISSION

For the Regional Commissioner:

CLO

DCLO

Chief

GAB/mo

→ JO

-llan

BKS



G. A. BAMELLET

G. A. BAMELLET,

Major, C.I.,

Actg Reg Legal Officer.

① from
② Action already
taken

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 324

URGENT BY HAND OF COURIER.

(550)

13 August 1944.

ACC/4002/10/1.

SUBJECT : Reprinting of legal publications.

TO : Supply Officer, REGION 3.

1. On this courier there is loaded a supply of paper required for reprinting certain legal publications, the printing of which is being undertaken by Major Banlet, Regional Legal Officer, Region 3.

2. ^{As required by} Major Banlet requests that paper is consigned to you.

3. Will you please consult with Major Banlet as a matter of urgency.

K
RICHARD H. WILDER.
Colonel, CMG.
Acting Chief Legal Officer.

IGM/wes.

Copy to : MEO (~~then Regional Commissioner~~), Region 3.
- telephone conversation BANLET - CAMPBELL refers.

63

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(54A)

ACC/4002/10/L

RHW/ap
13 Aug 44

SUBJECT : Consolidated Instructions for
AC Courts etc.

TO : HQ Commandant

1. Owing to increasing commitments it is necessary to print a further 500 copies of the Consolidated Instructions for Allied Military Courts and Rules of Procedure and also 1500 copies of the Italian translation of the latter.

2. May authority please be granted for issue of the following :-

- a) Paper: 9 reams of 64 x 86 cm.
- b) Stiff cover: 180 sheets (enough for 500 copies)

3. I attach as a guide a specimen proof copy of the Consolidated Instructions. The paper should be the same: the cover, if not possible to match exactly, should be as near as possible.

R

RICHARD H. WILMER,
Colonel, GAC.,
Acting Chief Legal Officer

Copy to : Printing Officer.

3 Aug 4 (53A)

1 copy 'disk' 5, Proc 1-4 - (Col Upjohn's Pa)
2 copies to (Proc 1-4) - Lt Col. Gussman

cpl. Heller

61

4002/10
~~FILE~~ FILE

52A

HQ REGION THREE

HQ AGO LEGAL

1302

3

RESTRICTED

ROUTINE

Legal Sub-Commission

PROBABLE THAT PROCS 2 AND 4 WILL BE AMENDED SLIGHTLY WITHIN
NEXT FEW DAYS FAVOR TO H. REGION THREE FOR RLO FROM HQ AGO
FOR LEGAL PAREN PRINTERS SHOULD BE INSTRUCTED PROCEED FORTHWITH
PRINTING CONSOLIDATED INSTRUCTIONS AND RULES OF PROCEDURE IN
ITALIAN AND PROCS 1 AND 3 BUT NOT ^{REPEAT NOT} TO PRINT PROCS 2 AND 4 PENDING
FURTHER ORDERS PD OUR FOUR THOUSAND AND TWO SEAT TEN OF
SECOND AUGUST REPTERS

60

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

URGENT

/jpl

(5/A)

ACG/4002/10/L

2 Aug. 44

Subject: Printing of "Consolidated Instructions" and other publications.

To : Regional Legal Officer, Region III.

1. I am writing to ask your help.

2. As a result of requests received, and having regard to future commitments, it has been decided to reprint the Consolidated Instructions; Procs 1-4 (new series); and the Rules of Procedure.

3. Printing facilities in Rome are very bad indeed, but there is an excellent and large printing establishment in POMPEI, OSPIZIO DI BARTOLO LONGO, who printed the Consolidated Instructions and the working copies Proclamations. Our requirements are set out below: will you please be good enough to send an officer to POMPEI to give the following order:-

- (a) CONSOLIDATED INSTRUCTIONS for ALLIED MILITARY COURTS complete with Procs 1, 2, 3, & 4.....⁵⁰⁰~~400~~ copies (Specimen attached marked "A")
- (b) Proclamations 1, 2, 3, & 4.....500 copies (Specimen attached marked "B")
- (c) Rules of Procedure (in Italian).....1500 copies.

4. In this connection, it is to be noted that the print of the proclamations to be inserted in the Consolidated Instructions and that in the booklet form is the same; only the make-up varies.

5. The name of the establishment where the printing is done is: OSPIZIO DI BARTOLO LONGO: it is a very large institution lying in the town of POMPEI some 400 yards off the main NAPLES-SALERNO Road. The staff of the printing works is always most helpful and having done the earlier work should be able to re-set the type and reprint without undue difficulty.

6. As to the paper, The printers should be asked to do the work on their own paper on our undertaking to make good: the officer going there should ask them to estimate the amount of paper involved and I will arrange to have it sent down.

7. Your co-operation will be very much appreciated. You will realize that some of these works should be issued soon: so the printers should be asked to get to work as quickly as possible. An estimate of when the work will be completed will be appreciated.

(C)
RICHARD H. WILMER
Colonel, G.O.
Acting Chief Legal Officer.

(50A)

• Region VIII require at
 very least 50 copies of
 Italian translation of R.P.—
 & could do with many more.

I.C.

31 Jul. 44

Region IX require 250 copies } Verbal
 " "Z" " " } request at
 conference

58

Legal. S. C.

SUBJECT: Consolidated Instructions for Allied Military Courts. *6661*

HO AND
Near Eighth Army.

49A

MA/13

73 Jul 44.

4002/10

Executive Commissioners Branch,
HQ Allied Control Commission.

Copy to: Administrative Section. (attn: G.L.O.) ✓

1. Will you please furnish this HQ with 10 copies of subject, 30 copies of Rules in Italian and 20 copies of Booklet of Proclamations.

Edwin J. Mercer

Edwin J. Mercer, Lt. Col. Ord.
Senior Legal Officer,
For Group Captain,
Officer Commanding,
A. G. Eighth Army.

*Spoke Mercer
del. Walter*

51

4003/10 *etc. etc.*

(48A)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IX
APO 394

20 July 1944

SUBJECT: Legal Forms & Documents

TO : ~~Major ENDRICKSON~~, Chief Legal Officer, ~~Region IV~~. *149. A.C.C.*

1. On behalf of the Chief Legal Officer, Region IX, (not yet appointed) I apply for the following numbers of Legal Forms for use in Region IX.

Form No. 2	2500	Form No. 9	1500
Form No. 4	2500	Form No. 9a	100
Form No. 5	2500	Form No. 10	1000
Form No. 6	2500	Form No. 11	2500
Form No. 7	300	Form No. 12	1000
Form No. 8	2500	Form No. 13	1500

2. It is considered that this number will be necessary for use in eight (8) Provinces which comprise Region IX.

By order of Regional Commissioner

E. J. Bye
E. J. BYE
Lt. Col.
R.P.S.O., Region IX

plus 25 copies of Consolidated Instructions & amendments

Col Campbell

*I have written Col Bye telling him that
you will be making arrangements with Wing Cdr
Dickie direct on 1/8/44.*

Thorne

24/7/44 Capt

20 July 44

(47A)

Inventory of Rules of Courts.

- 46..... Consolidated Rules of Instructions for .M. Courts. 46 copies
145.....Regolamento di Procedura"
156.....Procs 1-2-3-4 (New Series) Loose leaf form.
77.....Desk Copies of Procs 1-2-3-4- (new series.

Cpl. Latella

Hold for
discussion at
RLO's meeting
on 1 Aug

IC

55

FRIDAY

Doe

Tape case

(*) Spy Cases - Sound on

Pens

Pencil

Paper

"Book"

SUBJECT: Rules of Procedure, Allied Military Council
AMG Rear Eighth Army. 46A

OA/13.

16 Jul 44.

Executive Commissioner's Branch,
HQ Allied Control Commission.

Copy to Administrative Section
(for Chief Legal Officer).

1. Will you please furnish this HQ with about 50 copies of
subject in Italian.

EDWIN J. MERCER, Lt. Col. Ord,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG Eighth Army.

TO C.L.O. and A.C.C.
 FROM H.Q. Region 5, A.M.G.
 SUBJECT Consolidated Instructions.
 REF R5/511/2.
 DATE 14 July 1944.

4002/10

Legal sec (46B)
115559

37A

1. Ref your ACC/4002/10/L of 23 June 44 it appears that some of the P.O.s now under control of this Region are not supplied with copies of the Consolidated Instructions.
2. Col. Mercer is unable to supply them although he undertook at the R.L.O.'s conference that he would do so.
3. If there are any spare copies available it would be appreciated if say 20 copies could be sent to this H.Q.

For the REGIONAL COMMISSIONER:

W. E. PEIRENS
 W. E. PEIRENS
 Colonel
 R.L.O.

WEE/EP

52

10167

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(45A)
RHW/ap

* Tel. Ex. 573

15 July 44.

ACC/4362/10/L

SUBJECT : Proclamations 1, 2, 3 and 4.

TO : SLO AMG 5th ARMY

I am sending you in a separate packet 15 copies
of Proclamations 1, 2, 3, and 4 in loose leaf form and
also in booklet form.

(C)
R. H. WILMER
COL. SAC,
Acting Chief Legal Officer.

50

HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

7 July 1944.
208/CA/6.

SUBJECT: Proclamations Nos 1 - 4.
TO : C.L.O. A.C.C. H.Q. (Adv).

1. With reference to your letter ACC/4002/10/L dated 23rd June, it is pointed out that only 25 copies of the Proclamations in loose-leaf form have been supplied to this HQ although the original distribution of Consolidated Instructions was 50. May a further 15 copies be issued please.

2. It will be appreciated that this edition is of particular value to AMG officers working in the forward areas and under field conditions and it is hoped that the additional supply requested can be made available. Further copies of the Proclamations in booklet form would also be useful to us.

H.M. Dickie W/ldr.

H.M. DICKIE., W/Cdr., R.A.F.,
S.L.O. AMG FIFTH ARMY.

HEADQUARTERS
14 JUL 1944
A. C. C.

51

Lgt. Parro: 4002/10 (43A)
Please include
this memo on the
4002/10/c file -

3 copies of Procs 1-2-384
were delivered personally
to
Col. Grafty Smith
Finance Sub-Com.

Cpt. Lotella
10 July 44⁴³

Sgt Rocco:

Please note that
3 copies of the
Xros 1-2-3-4 were
given personally to
Col. Graft Smith,
Finance Sect Com.
at order of Col Campbell
Apt. Intell.

V.P. Adm. Sec.

ur attention is drawn to the address of 38 (a. I believe you wanted to take up this question with AMG 8th army.

I think it is bad staff work. I am sure it is bad tactics!

The reason, I know, is that SLO within recent months has had one or two rebuffs from this Sub-Commission and therefore tries to circumvent us by going to RC & MG sec. direct.

8 Jul 44

I. Campbell
CJO

Col. Campbell directed that this document be placed in this file until such time as a Mac copy of the book can be signed.

8 July 44

ALLIED CONTROL COMMISSION

FOREWORD

1. This handbook contains the Consolidated Instructions for Allied Military Courts, and an appendix containing the Rules of Procedure.

2. These Instructions and Rules will come into force on 1944.

3. The Consolidated Instructions are classified RESTRICTED and will not be disclosed to unauthorized persons; in particular the contents will not be disclosed to Italian lawyers.

4. The object of the Instructions is to collect and put together in handy form all directions required by Legal or other officers presiding over Allied Military Courts. Any directive issued prior to the 1944 is repealed, so far as it is inconsistent with the Consolidated Instructions. Additions or amendments will be issued as required.

5. The Rules of Procedure are NOT RESTRICTED. On the contrary all lawyers practicing before Allied Military Courts must be familiar with them. To this end, a distribution is being made of an Italian translation of the Rules.

6. Officers will note particularly: Rule 18 (b) - Separated sentences on each charge and Rule 25 - Petitions for Review.

The latter rule is designed to cut down the number of such

and will not be disclosed to unauthorized persons; in particular the contents will not be disclosed to Italian Lawyers.

4. The object of the Instructions is to collect and put together in handy form all directions required by Legal or other officers presiding over Allied Military Courts. Any directive issued prior to the 4 1944 is repealed, so far as it is inconsistent with the Consolidated Instructions. Additions or emendments will be issued as required.

5. The Rules of Procedure are NOT RESTRICTED. On the contrary all lawyers practicing before Allied Military Courts must be familiar with them. To this end, a distribution is being made of an Italian translation of the Rules.

6. Officers will note particularly: Rule 18 (b) - Separated sentences on each charge and Rule 25 - Petitions for Review. The latter rule is designed to cut down the number of such petitions which are presented without any substantial grounds; all legal officers will endeavour to insure that this rule is complied with scrupulously.

M. S. [1482]

Brigadier,
Executive Commissioner.

726
ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

194

394

ACC/4002/10/1

3 July 44

Subject: Proclamation 1,2,3, & 4.

To : Senior Legal Officer, AMG, 5th Army.

1. Ref your letter 6/1/73 of 28 June 44 addressed to Executive Coordinator's Branch, copy to Adm Sec ACC(Att. CLO).

2. Herewith 30 additional copies of the print of Procs 1,2,3, & 4 prepared for insertion in "Consolidated Instructions" handbook.

R.
RICHARD H. WILSON
Colonel, GAO
Acting Chief Legal Officer.

Copy to:

RC & AG Sec.

No action required by you: these prints were prepared by Legal Sub-Commission and distributed through legal channels.

4097/19 ✓
SUBJECT :- EE Variations 1,2,3 & 4

Regal (38A)
AMG Rear Right Army

04/73

4-3812

23 Jun 44

EXECUTIVE COMMISSIONERS' BRANCH,
ARMED CONTROL COMMISSION.

Copy to : ARM SECTION, ACC (attn CLO). ✓

1. May this office be furnished with 30 additional copies of subject prepared for insertion in "Consolidated Instructions" handbook.



Edwin J. Mercer
EDWIN J. MERCER, Lt.-Col., Grd.,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG RIGHT ARMY.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

REFERENCE : CG/4002/IO/L.

23 Jun 44

SUBJECT : Proclamations 1, 2, 3 and 4 .

TO : See distribution.

1. Enclosed herewith (quantities as shown in distribution) are the following :

(a) Proclamations 1, 2, 3 and 4 (new series) prepared for insertion in the hand book Consolidated Instructions for Allied Military Courts .

(b) same proclamations prepared in booklet form.

2. as to (a) above.

The object is to get a copy of these proclamations to (and only to) such officers as are now in possession of the Consolidated Instructions. Owing to the change in the situation since the latter were distributed, it is impossible to make an exact distribution from this H.Q. : if any recipient receives too many, will he please return the balance (supplies are very limited) ; if any recipient receives too few, will he please inform this Sub-Commission who will try to make up the deficiency. Adjacent formations will please adjust any points locally so far as conditions permit.

3. as to (b) above.

These booklets have been prepared solely for the convenience of local and other officers whose duty involves frequent reference to the proclamations and for distribution at the discretion of Local Officers of Regions affected by the new proclamations. Again, supplies are limited, but a small reserve is available at this Sub-Commission.

One copy (for information only) is being sent to Regions not

insertion in the hand book Consolidated Instructions for Allied Military Courts.

(b) same proclamations prepared in booklet form.

2. as to (a) above.

The object is to get a copy of these proclamations to (and only to) each officer as are now in possession of the Consolidated Instructions. Owing to the change in the situation since the latter were distributed, it is impossible to make an exact distribution from this H.Q.; if any recipient receives too many, will he please return the balance (supplies are very limited); if any recipient receives too few, will he please inform this Sub-Commission who will try to make up the deficiency. Adjutant formations will please adjust any points locally so far as conditions permit.

3. as to (b) above.

These booklets have been prepared solely for the convenience of local and other officers whose duty involves frequent reference to the proclamations and for distribution at the discretion of Legal Officers of Regions affected by the new proclamations. Again, supplies are limited, but a small reserve is available at this Sub-Commission.

One copy (for information only) is being sent to Regions not affected by these Proclamations.

4. It is wished to take this opportunity of reminding out to all concerned that any region which may hereafter be alerted will not receive a complete issue of the Consolidated Instructions or of the enclosures hereto. Inevitably, personnel for any such region will be drawn predominantly from personnel in existing Regions, and any officer who may be moved from one region to another must take his own copy with him.

Will addressees, when distributing the enclosures hereto, please bring this to the attention of officers concerned.

1 Campbell 15 pl
GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

DISTRIBUTION

Loose leaf form

Booklet form

SLO 1 ion 1
 " " 2
 " " 3
 " " 4
 " " 5
 " " 6
 " " 7
 " " 8
 " Home Region
 SLO AND 5th Army
 " " 6th Army

15
 12
 75
 115
 75
 12
 3
 32
 50
 25
 20

454

1
 1
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 20
 20
 1
 1
 20
 20
 10
 10

105

(378)

REAR HEADQUARTERS
ALLIED CONTROL COMMS ON
Legal Subcommittee
APO 394

GRU/ap

ACC/4062/10/L

21 Jun 44.

SUBJECT : Consolidated Instructions for
A. W. Courts.

TO : "A" Branch H.Q., A.A.I.
" " H.Q., 1 District
" " H.Q., 2 "
" " H.Q., 3 "

1. Ref this HQ letter ACC/4062/10/L of 13 May 1944 enclosing 3 copies of the Consolidated Instructions for Allied Military Courts, herewith for addition thereto are 3 copies of Proclamations 1, 2, 3 and 4 (new series) which will be in operation only in Region 4, part of Region 5 and northwards.

2. Kindly acknowledge receipt.

L. Randolph
+ G. R. UPJOHN,
Colonel,
Chief Legal Officer.

35A

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/sp

21 Jun 44.

ACC/4002/10/L

SUBJECT : Consolidated Instructions for
A. M. Courts.

No. of copies.

TO :	PA to Chief Commissioner	1
	" " Deputy "	1
	SO " V.P. Administrative Sec.	1
	PA " Executive Commissioner	1
	Public Safety Subcommittee	2
	Finance "	2
	HC and M.G. Section	2
	P. R. O.	3
	Information Division	2

1. Herewith copies (numbers as shown above) of the new Proclamations 1, 2, 3 and 4 (for use in Region 4, part of Region 5 and northwards) prepared for inclusion in the Consolidated Instructions for A.M. Courts.

2. Kindly acknowledge receipt.

I. Campbell 40
+ G. R. GUNN,
Colonel,
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APC 394

GRU/ap

21 Jun 44

ACC/4002/10/L

SUBJECT : Consolidated Instructions for
A.M. Courts.

TO : A. F. H. Q. (Military Government Section).

Ref. ACC/4002/10/L dated 13 May 1944 forwarding
copies of the Consolidated Instructions for Allied Military
Court.

1. Herewith 25 copies of the new Proclamations 1, 2,
3, and 4 prepared for inclusion in the Consolidated Instructions.

Will you please dispose of these in the same way
as the copies of the Consolidated Instructions, i.e. by retaining
5 & forwarding the remainder to ETO.

2. Please acknowledge receipt.

I. Campbell HCN
2 G. R. UPJOHN, 39
Colonel,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

33

21 June 41

AOC/4002/10/L

Subject: Consolidated Instructions for A. M. Courts.

To : Capt. Collins, Archive Branch, Main B. C. A.C.C.

~~Enclosed~~
As requested, 1 copy of the CONSOLIDATED INSTRUCTIONS FOR
ALLIED MILITARY COURTS, is being forwarded by courier at 1400 hours
to-day.

12
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Note: File
Encls 1-4 included.

36

26 4002/10
NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

GRU/pe 32

7 June 1944

ACC/4002/2/L.

SUBJECT : Publications requested.

TO : Lt. Col. WILLIAM MC, CA, APO, 39 Hyde Park Gate,
London S.W.

1. As requested in Lt. Col. Shields's letter herewith two copies of Proclamations 1 - 4 (new series) and two copies of "Consolidated Instructions for Allied Military Courts".
2. Please acknowledge receipt.

GERALD A. UPJOHN,
Colonel,
Chief Legal Officer.

Copy to : File ACC/4002/10/L.

GRU/DA

31

76 4002/10
✓
NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

7 June 1944.

ACC/4002/2/L.

SUBJECT : Publications requested.

TO : Lt. Col. J. M. Shields, R.M.C.,
c/o Dept. for National Defence, CANADA.

1. As requested in Lt. Col. Shields's letter herewith two copies of Proclamations 1-4 (new series) and two copies of "Consolidated Instructions for Allied Military Courts".
2. Please acknowledge receipt.

GERALD R. HEPBURN,
Colonel,
Chief Legal Officer.

Copy to : File ACC/4002/10/L.
✓.

36

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/lpl

30

APO/1002/10/L

5 June 44

Subject: Consolidated instructions for AMG Courts.

To : Senior Legal Officer, AMG 8th Army (2 copies)

1. With reference to para 4 of your letter to PG CHANAI Province, with copy to CLO and to HLD Region V, reference DA/13 of 30 May 44.

2. It is not agreed that in Art. 29 (3) the expression "Name of Payer" should be "Name of Payer."

3. The name of the person paying the fine appears, of course, on form F.1.

The information listed in para 3 is the information required to be put on the schedule prepared by the officer who received the money.

4. It will be borne in mind that officers who receive money (e.g. in payment of a fine) must be able to account for the same; and that once they have paid the money to the Finance Officer, the duplicate receipt, signed by the Financial Officer, is their only receipt. Therefore for the protection of officers receiving fines the schedule should show to whom they paid it is the name of the payer.

5. Will you please clear up this point with your SSO, with whom you have already discussed it.

J. Campbell W.C.
GERALD H. UPJOHN
Colonel
Chief Legal Officer

Copy to: Prov. Legal
Officer, CHET

Regional Legal Officer
Region V.

4002/10 ✓
 SUBJECT:- Consolidated Instructions
for AMG Courts.

Legal (Rea) (29)
 AMG. 8th Eighth Army

05/13

30 May 44

PC CHIEMI PROVINCE (attn FIO):

copy to : HQ, ALLIED CENTRAL COMMISSION ✓
 (for CIO);

HQ, REGION V.

A. Answering your CH/Legal/167, para by para.

1. PC CHIEMI has authority to convene a Superior Court
 as well as SCAG AMG.

2. You have not authority to sit alone. I am writing for
 such permission.

3. Authority is hereby delegated to the PC CHIEMI to
 authorize preferring charges under Italian law, either generally or
 in particular cases; and such power may be by him re-delegated to the
 FIO. This only applies to AMG territory. Policy is as set forth
 in Article 14, Section 2.

4. "Payee" obviously should be "payer". The SFO Eighth
 Army agrees.

5. "Hil" returns are required.

B. A copy of your letter and of this are going forward
 to CIO and Region V, and if there is any disagreement with the
 foregoing conclusions, you will be further advised.



Edwin J. Mercer
 EDWIN J. MERCER, Lt.-Col., Ord.,
 Senior Legal Officer,
 for Group Captain,
 Officer Commanding,
 AMG EIGHTH ARMY.

34

CH/Legal/167

28

Subject:- Consolidated Instructions for Allied Military Courts.

To HQ, A.M.G. 8th Army.

1. I have received copies of above book from C.L.O. for Officers in the Province.
2. I should be glad if the following points can be clarified.
 1. Art.2 para:4 (b). Has PC Chieti, whilst under AMG 8th Army, authority to convene a Superior Court? It is suggested that if a Superior Court can be convened by him much time can be saved, as it may often be possible to bring a case for trial in the first instance before a Superior Court.
 2. Art.2 para:5. Have I authority to sit alone as a Superior Court as hitherto? My legal qualifications are L.L.B. Cantab and Barrister at Law with 5 years practice at the English Common Law Bar. Since 1929 I have been engaged in legal work but not in active practice at the Bar.
 3. Art.14. For the saving of time may authority be delegated to PC Chieti to authorize prosecutions under Italian Law? If so, may a general indication of the policy desired by SCAO Army be given in connection with cases in the forward areas of offences against the Italian rationing laws where there may be no Italian Court yet functioning capable of dealing with the cases?
 4. Art.29 para: 3. Is not "name of payee" a misprint for "name of payer" ?
 5. Art.37. Are "Nil" Returns required?

(signed) J.M.WELSFORD

24 May 1944

Major for
Lt.Col. P.C.Chieti

33

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
ATO 394

1/27/44
27

ACC/4002/10/L

31 May 1944

SUBJECT: Consolidated Instructions for Allied Military Courts.

TO : RLO (thru RC) Region 8.

Herewith 2 copies of the new loose leaf "Consolidated Instructions for Allied Military Courts".

Kindly acknowledge receipt.

J. MORE, Capt.
for Chief Legal Officer. 32

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/enf

28
26

31 May 1944

ACC/4002/10/1

SUBJECT: Consolidated Instructions for Allied Military Courts.

TO : DLO (thru RC) Region 4.

Herewith 40 copies of the new loose leaf "Consolidated Instructions for Allied Military Courts".
Kindly acknowledge receipt.

received

J. MOFF. Capt. 31
for Chief Legal Officer.

✓
4002/10

25

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

I-3015

29 May 1944.

Subject: Distribution of "Consolidated Instructions
for Allied Military Courts".

To : C.L.O., Legal Sub-Commission, A.C.C. ✓

1. A request has been received from the Regional
Commissioner of Region 8 for a copy of the above mentioned
publication. As the supply of copies available at this
headquarters is very limited perhaps you will be so good
as to supply him with a copy.

For the Regional Commissioner:

J. J. Samrat
in for

JOHN W. CHAPMAN,
Colonel, JAGD ,
Reg. Legal Officer.

GAB/me

Copy to
Regional Commissioner, Region 8.

30

file 4002/10

24

For instructions issued by Region 3 to FLOs
regarding "Consolidated Instructions for Allied
Military Courts" see Region 3 Admin. Instruction
No. 35 dated 22 May 44.

29

REAR HEADQUARTERS
ALLIED CONTROL COMMISS.
LEGAL SUB-COMMISSION
APO 394.

13 May, 1944.

REFERENCE : ACC/1002/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : H.Q., A.M.C., 5th Army.

1. As requested by you of Lt.Col. Wilmer herewith 35 additional copies of "Consolidated Instructions for Allied Military Courts".

2. Kindly acknowledge receipt.

receipt acknowledged

IGHE/vcw.

✓ L. H. H. H.
WOL
15 May 44

I. G. H. CAMPBELL,
Major,
for Chief Legal Officer.

(76)

28

File Note for File on
Consolidated Instructions for AM Courts. (22)

Amend required to Art 3 to bring
 art. into line with Ex. Commissioner letter
 283/4/CA of 23 May. (see 4129/L folio 11B)

The letter lays down policy that R.C.
 will make application to RC & MG
 Sec.

10

24 May.

Form No. 13

Serial No. 585

ALLIED MILITARY GOVERNMENT

DECISION ON REVIEW

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

From A. M. G. H. Q.

Court (state whether General, Superior or Summary) SUMMARY

Court

sitting at CASALBORDINO

Name of Accused RAPETTA Angelo di Angelo

Date of Conviction 7 January 1944

Sentence Imprisonment 7 months.

Decision on Review AFFIRMED

Signed

Date

FEBRUARY 1944

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

21 September 1944

L+3080

SUBJECT: Invoice for printing of Consolidated Instructions.

TO : C.L.O. Legal Sub-Commission, A.C.C., HQ.

1. Enclosed is an invoice received to-day from the Scuola Tipografica Pontificia, Pompei.
2. These Consolidated Instructions books were sent to your Headquarters on or about 11 September 1944.

For the Regional Commissioner:

L.P. DAWSON,
Lt. Colonel, G.I.,
Reg. Legal Officer
Southern Region.

LJP/mo

Encl-

1. Invoice d/d 11 Sept 44
of 18,000 Lire o/A.C.C.
Southern Region, Naples.

25

HEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/ap

ACC/4002/10/L

23 May 1944.

SUBJECT : Consolidated Instructions for AMG Courts.

TO : Regional Legal Officer (thru RC) Region no.5.
SLO, AMG, HQ 8th Army.

1. Reference R5/511/2 of 19 May addressed to this HQ with copy to HQ AMG 8th Army.

2. The answers to the questions raised in para 4 are as follows:

- a) Yes. The significance of the 30 day period is that any petition presented during that period will be given full consideration when the case is reviewed (no case will be reviewed until receipt of petition or until expiration of the time for presenting a petition). Any second petition or application for pardon should be scrutinised but may be treated very much more lightly, and may be disregarded unless it discloses on its face some point of substance - e.g. such a petition was received at this HQ a few days ago in a serious case; it contained an allegation that at the time of review the petition was not before the Reviewing authority, which allegation was found to be true. The significance of ART 33 (1) is to establish the principle for all ~~officers~~ concerned to see that once a sentence has been affirmed on review that sentence is not variable by means of Grace, Judicial Pardon etc. Of course, in any particular case if an injustice has accidentally been perpetrated, there is nothing to prevent AMG from taking steps to remedy it: but any such action should be taken not below Regional HQ.
- b) A second petition should be forwarded by the Provincial Commissioner to the Regional Commissioner for the time being constituting his next superior Headquarters. It will be remembered that by virtue of ART. 1 a Regional Commissioner includes where

applicable, a S.C.A.O. of an army. It follows that any such petition arising out of a case tried in an army area will be forwarded to, and scrutinised by, the S.C.A.O. if the area is still within an army area or by the appropriate Regional Commissioner if the area has passed under a Region.

O. R. UPSHAW,
Colonel,
Chief Legal Officer.

TO: CLO (R HQ ACC)
 FROM: HQ REGION 5 AMG
 SUBJECT: Consolidated Instructions for AMG Courts
 REF: R5/511/2

19 May 1944

1. As a result of a discussion between SLO 8th Army and RLO Region 5 it was considered desirable that guidance should be given on the question of applications for review or pardon by persons convicted in AMG courts.
2. Under Consolidated Instructions Art. 32 paras 1 and 7 a petition for review must be presented, substantially, within 30 days of trial or it may be disregarded.
3. Under Art. 33 paras 1, 3 and 4, applications for pardon and second petitions for review will be "considered and disposed of by the Regional Commissioner unless"
4. Can guidance be given please on the following points:-
 - (a) If a second petition for review, or an application for pardon, is filed by an accused must it be forwarded for consideration to the R. C. regardless of the date of filing? If yes, what is the significance to be attached to the 30 days, except as an indication of the date on which a "provisional" review may be made if no petition has then arrived? If no, what is the effect of Art. 33 para 4? In either case is any significance to be attached to Art. 33 para 1 beyond the fact that there is no special procedure for applications for pardon under the AMG code, such as exists (presumably) under the Italian Criminal Code?
 - (b) If a second petition is to be so forwarded, is it the intention that cases which have been tried in Army areas should be considered by the appropriate R. C. (i) at a time when the area concerned is still within Army jurisdiction, (ii) after it has passed to Regional control, or (iii) never?

For the Regional Commissioner

W. E. WILKINS

23

COPY TO HQ AMG 8th Army.

W. E. WILKINS

M. COL.

R. L. O.

5011

File

(19)

HEAD HEADQUARTERS
ALLIED GENERAL COMMISSION
LEGAL SUB-COMMISSION
APO 394

100/1000/10/5.

/rmp.
20 May 1941.

SUBJECT : Consolidated Instructions for Allied Military Courts.
TO : Public Relations Officer, Hq. AGC.

Herewith three copies of the new loose-leaf "Consolidated Instructions for Allied Military Courts."

Kindly acknowledge receipt.

C. R. HATCHER,
Colonel,
Chief Legal Officer.

22

file

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(18)

/gaf

ACC/4002/10/L

19 May 1944

SUBJECT: Consolidated Legal Instructions.

TO : HLO (thru RG) Region 1.

Ref your letter HLE 013.131/PLV of 13 May 44.

Herewith a further 3 copies of the Consolidated Instructions.

On the grounds of economy, only a limited number of the instructions were printed; and in view of the present situation in No. 1 Region, it is not possible to supply you with more than an extra 3 copies.

I. O. H. CAMPBELL, Major
Acting Chief Judicial Officer
for Chief Legal Officer.

21

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/1002/10/L

IC/jpl
19 May 44

Auto (17)
→ file

Subject : Consolidated Instructions for Allied Military Courts.

To : Provincial Legal Officer, Chieti Province.

1. As asked, herewith 15 copies of the Consolidated Instructions for Allied Military Courts and 25 copies of the Rules of Procedure (Italian Translation)

2. Please acknowledge receipt.

3. These are being sent direct to you to save trouble

Copy to: Senior Legal Officer
AWG, 8th army.

GERALD R. WATSON
Colonel
Chief Legal Officer.

20

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 384

16X

ACC/4002/10/L

IC/jpl
17 May 44

Subject : Consolidated Instructions.

To : Public Relations Officer, H.Q. ACC
Information Division, H.Q. A.C.C.

1. Herewith 1 copy of the Consolidated Instructions for Allied Military Courts.

2. It is regretted that it is not possible to supply the number for which you asked: for economy reasons only a limited number was printed and it is imperative to keep a reserve for issue to officers who may hereafter be actively engaged in the Courts.


GERALD R. UPJOHN
Colonel
Chief Legal Officer.

4002/10 *file*

(16)

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APC 394

File : RLE 013.131/FLV

13th May 1944

SUBJECT : Distribution of Consolidated Legal Instructions.

TO : Legal Sub-Commission, A.C.C. Headquarters (REAR)

Reference ACC/4002/2/L dated 5th May 1944.

May a further (12) (twelve) copies of the Consolidated
Legal Instructions please be forwarded.

For Colonel A.N. HANCOCK :

Frank W. Vecchiolla
FRANK W. VECCHIOLLA,
Major, JAGD.
Regional Legal Officer.

js.

Esx

18

*16. 21. 44
at. 11. 11
Ant. 11. 11. 44*

9795

Amend to Consolidated Index

15

Expenses of Witness at AM Court

See file 4002/6/L. Folio 19. 12 May 1944.

17

Enter file

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(14)

ASC/4002/10/L

IC/jpl
17 May 44

Subject : Disposal of Cases Affecting Merchant Seamen.

To : Lieut. Cdr., J.J. LAWLER, Finance Sub-Commission.

Thank you for your letter ESCH/95, of 15 May on the
above subject. Its contents have been noted.

GR
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

File "Cons. list"

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Finance Sub-Commission
A.P.C. 394

FSCR/ 95

(13)

4602/10

15 May 1944

SUBJECT: Disposal of Cases Affecting Merchant Seaman.

TO : Legal Sub-Commission

1. Reference is made to paragraph 2, Article 6 of the recently published "Consolidated Instructions for Allied Military Courts".
2. This section should be amended. U.S. Navy is not represented at all Italian ports. For offenses committed aboard the vessel jurisdiction is in the United States Coast Guard. For offenses committed ashore the jurisdiction is the same as that applicable in a similar offense committed by a civilian. Even in these cases the U.S. Coast Guard should be notified since the offense may result in incompetence or the punishment may prevent the offender from sailing.
3. I would suggest the section be amended to read as follows:
 " 2. Any case concerning a Merchant Seaman in a U.S. Merchant vessel, or in a vessel operated by the U.S. War Shipping Administration even though not a U.S. flag vessel, will be referred to the local Naval Officer in Charge. In addition, notification of the facts in the case will be given to the Commanding Officer, United States Coast Guard, Merchant Marine Hearing Unit, Naples for appropriate action under (U.S.) R.S. No. 4450 as amended."

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian	☐
CL RKS	☐

JJL/gf

J. J. Lawler
J. J. LAWLER
Lt. Cmdr. U.S.C.G.R.
Finance Sub-Commission

Reply stating amendment is requested will be made in due course or some such word.

12

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 May, 1944.

REFERENCE : HQ/4002/10/L.
SUBJECT : "Consolidated Instructions for Allied Military Courts".
TO : P.A., Chief Commissioner, A.C.C.

Herewith one copy of the new loose leaf "Consolidated Instructions for Allied Military Courts" for use of the Chief Commissioner.
Kindly acknowledge receipt.

I.C.
I. G. H. CAMPBELL,
Major,
for Chief Legal Officer.

IGS/vow.

14

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

15 May, 1944.

REFERENCE : ACC/1002/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : Staff Officer to the V.P. Admin Section.

Herewith one copy of the new loose leaf "Consolidated Instructions for Allied Military Courts" for the information of the Vice President

2. Kindly acknowledge receipt.

I. G. H. CAMPBELL,
Major,
for Chief Legal Officer.

IGHC/vcw.

13

10

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 May, 1944.

REFERENCE : AGC/4002/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : H.Q., A.M.C., 5th Army.

1. As requested by you of Lt. Col. Wilmer herewith 35 additional copies of "Consolidated Instructions for Allied Military Courts".

2. Kindly acknowledge receipt.

*Receipt acknowledged
personally by me to Major
17 May*

I. G. H. CAMPBELL,
Major,
for Chief Legal Officer. 12

IGC/vcm.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 May, 1944.

REFERENCE : AOC/1002/10/1.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : PA to Deputy Chief Commissioner, A.C.C.

Herewith ~~for your use~~ one copy of the new loose leaf "Consolidated Instructions for Allied Military Courts" for the information of the Deputy Chief Commissioner.

2. Kindly acknowledge receipt.

I. C. H. CAMPBELL,
Major,
for Chief Legal Officer.

ICHC/vow.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 May, 1954.

REFERENCE : AGC/4502/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : P. A. to Executive Commissioner, A.C.C.

Herewith one copy of the new loose leaf "Consolidated Instructions for Allied Military Courts" for use of the Executive Commissioner.

2. Kindly acknowledge receipt.

I. G. H. CAMPBELL,
Major,
for Chief Legal Officer.

IGC/AGC.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 May, 1944.

REFERENCE : AGC/14002/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : R.C. & M. G. Section.

1. Herewith two copies of the new loose leaf "Consolidated Instructions for Allied Military Courts". Kindly acknowledge receipt.
2. A copy has been supplied direct to the P.A. of Brigadier Lush.

I. G. H. CAMPBELL,
Major,
for Chief Legal Officer.

ICHC/vow.

file

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

(6)

13 May, 1945.

REFERENCE : ACC/4002/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : "A" Branch, H.Q., A.A.I.

Herewith for your information and distribution within your Headquarters are three copies of the new loose leaf "Consolidated Instructions for Allied Military Courts".

2. Kindly acknowledge receipt.

IC
I. G. H. CAMPBELL,
Major,
for Chief Legal Officer.

IGHC/wcw.

File

REAR HEADQUARTERS
ALLIED GENERAL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

(54)

15 May, 1944.

REFERENCE : AGC/AGC/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : Public Safety Sub-Commission.
Finance Sub-Commission.

Herewith for your use two copies of the new loose leaf "Consolidated Instructions for Allied Military Courts".

2. Kindly acknowledge receipt.

IC
I. C. H. CAMPBELL,
Major,
for Chief Legal Officer.

ICHD/wcc.

7

RECEIVED
ALLIED MILITARY COURTS
LEGAL SUB-COMMISSION
APO 304.

13 May, 1944

REFERENCE : AGO/1002/10/1.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO :
"E" Branch, H.Q., No. 1 District.
"A" Branch, H.Q., No. 2 District.
"A" Branch, H.Q., No. 3 District.

1. Herewith for your information and distribution within your Headquarters three copies of the new loose leaf "Consolidated Instructions for Allied Military Courts".
2. Kindly acknowledge receipt.

I. Campbell Major
I. C. H. CAMPBELL, 6
Major,
for Chief Legal Officer.

RECEIVED.

10000 HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 May, 1944.

REFERENCE : AGC/1002/10/L.

SUBJECT : "Consolidated Instructions for Allied Military Courts".

TO : A. F. H. Q. (military Government Section)

1. Herewith :-

- (a) Five copies of the new loose leaf "Consolidated Instructions for Allied Military Courts" for your information
- (b) A further 20 copies of the Instructions which it is requested that you forward to E.T.O.

2. Kindly acknowledge receipt.

I. C. H. CAMPBELL,
Major,
for Chief Legal Officer.

ICH/wdw.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 374

AOC/4002/2/L

IC/jpl
2 May 44

Subject : Distribution of Consolidated Legal Instructions and
Rules of Procedure (in Italian).

		NUMBER OF COPIES	
		Instructions	R.P.
To	: Regional Legal Officer, Region 1.	12	20
	2	12	10
	3	150	200
	4	73	100
	5	59	100
	6	12	6
	7	3	12
	Senior Legal Officer, AMB, 5th Army	50	100
	Senior Legal Officer, AMB, 5th Army, (C.A.S.)	25	100
	Senior Legal Officer, AMB, 8th Army	50	150

1. Herewith copies (as shown above) of the Consolidated Legal Instructions for Allied Military Courts and of an Italian translation of the Rules of Procedure.
2. The above numbers are in accordance with the figures supplied to this H. Q. at the conference in Naples on 1 May 44.
3. Please acknowledge receipt on receipt form below.

GERALD R. UPTON
Colonel
Chief Legal Officer

To : Chief Legal Officer
near H. Q.
Allied Control Commission

Receipt is acknowledge of AOC/4002/2/L dated 2 May 44
and enclosures as specified.

Signed _____

DATED _____ 1944

Formation _____

Regions 1, 2, 607
dispatched 7/5/44
Elaff
7/5/44

HEADQUARTERS REGION 4
ALLIED MILITARY GOVERNMENT
A. P. O. 394

TO : C.L.O., H.Q., A.C.C.
FROM : R.I.O., Region 4.
SUBJECT: Draft Consolidated Legal Instructions.
REF : R4/LE/Reg/D/11.
DATE : 6 April 1944.

1. Draft Consolidated Legal Instructions are returned herewith. I have the following comments and suggestions to offer.

2. Page 2--Article 2, Para. 7.
"C.A.P.Os." should read "F.P.Os."

3. Page 12--Article 18
It is suggested that this paragraph be expanded, to explain more in detail what is required of an interpreter. Reference is made to "Legal Instructions No. 1" issued by me to all "Legal Officers of Region 4 (copy to you), Appendix "E" of which contains what I consider good material which might well be included in your Consolidated Legal Instructions.

4. Page 19--Article 20, para. 3(b).
After "force" in line 3 insert "duress", threats, or inducements".

5. Page 22--Article 22, para. 1(b).
This should read "A Superior Military Court may impose any lawful punishment other than death or imprisonment for more than 10 years"

6. Page 29--Article 28, paras. 4, 5, 7, and 8.
These paragraphs will require re-drafting, in view of the change of policy announced by the C.L.O. at the recent conference, by which it is understood that all cases where the punishment is less than 2 years imprisonment or 50,000 Lire fine will be reviewed at Regional level, whether or not there is a petition.

7. It is further suggested that the Instructions be expanded to deal with the following additional matters:-

Arrest Reports;

Necessity for use of Form of Commitment; ✓ *Done*

Release on Bail pending Review. ✓ *Done*

The above were dealt with in paras. 4, 18 and 21 of my "Legal Instructions No. 1", to which I would refer you for suggested matter that might be included.

*Salient points
now incorporated*
8. I consider that there is some material in para. 12 of my "Legal Instructions No. 1" on the drawing of charges, which might well be included in Article 12 of Consolidated Legal Instructions.

Done
9. I should welcome specific instructions as to the filing of various Court Records. The following is suggested:-

Summary Courts:-

Original Form 2, Form 4, Form 5 or Form 6a (whichever is used) to be forwarded to R.L.O. and filed at Regional H.Q. Copies (or counterfoils) to be retained and filed at the Court.

Superior and General Courts:-

Only one copy of Form 5 will be completed, and this will be forwarded to R.L.O. No permanent record will be retained by the Court, except in the case of ~~the~~ Court which is sitting continuously as in Naples or Rome, in which case some permanent record in book form might be maintained, giving the bare essentials of each case, e.g. name, date of trial, charge, plea, finding, sentence and result of petition (if any).

Petitions.

After review these, together with records of proceedings, should be filed at Regional H.Q. A form, giving the result of the review and no more, should be sent to the Provincial Legal Officer for transmission to the Court, with a tear-off form of acknowledgment for return to the R.L.O. to be filed with the other documents in the case.

H.C. Linnar

Colonel,
R.L.O., Reg. 4.

SUGGESTED AMENDMENTS TO CONSOLIDATED INSTRUCTIONS

<u>Originator</u>	<u>Subject</u>	<u>File</u>	<u>Folio</u>	<u>Remarks</u>
C.J.O.	Expenses of witnesses at A.L. Courts	4002/6	19	-
Lt. Comdr Lawler, Finance affecting Merchant Sub-Commission Beamen	Disposal of cases	4002/10	13	-
G. W. D.	Photographs in A.M. Court.	4009.		Sent to Executive Comm. for approval 26 May 44
W. J. Campbell,	Alien Military Courts in occupied territory (Amend to Article 3)	4125.	22	On Policy.

0 4 7 3