

ACC

10000/142/35
(VOL. 3)

GENER
APR. -

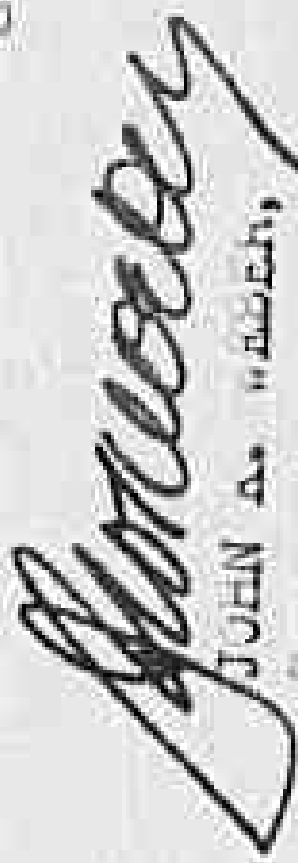
10000/142/35
(VOL. 3)

GENERAL MILITARY COURTS (APPOINTMENTS & PANELS)
APR. - SEPT. 1945

1r 64 Section.

6 -
Hq 3 District has informed this HQ by phone that Lt. Col. Sir Thomas ROBERTS (E) will be unable to serve on the General Military Court as planned. Hence the new General Court Panel for your signature please.

Legal Sub-Commission
27 September 1945.



JOHN A. WACHEN,
Colonel, Infantry,
Chief Judicial Officer.

VP cas.

Gen. C. panel for signature please.

*Under for
disc. 24/June/45*

TO : Legal Sub-Commission

25 Jun 45.

Please draft for my signature a power authorising SCAD XIII Corps to convene General Courts and annex the usual panel thereto.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italion Section	
CL 215	
26 JUN 1945	

*G.F. UPJOHN, Brig.,
VP CA Section.*

To. V.P. C.A. Section.

Draft submitted for signature as requested.

*Ambruloford
H. Col
for C.A.*

27th June '45

VP cas.

Ref 90A, amending with covering letter herewith.

signed by T. J. W.

*Under for
C.A.*

7th July 45

Chief Counsel		To: V.P. C.A. Section.	
CJO		Draft submitted for signature as requested.	
Italion		Indubitably	
CL RKS		W. Col	
20 JUN 1945		for C.A.	
		27 th June '45	

VP CAS. 37
 Ref 90A, amending with letter beneath.
 78 July 45 signed by T. J. W. C.A.

VP CAS.
 General Court Panel for signature & seal.
 25 Sept 45.

Closed 27 Sept 45

See Vol IV.

PARTITO FASCISTA REPUBBLICANO

Federazione Fascista dell' Urbe

Il Sig. _____

desidera conferire con _____

Motivo : _____

FIRMA

Roma, _____

194

XXII

1024

I, M. Carr, Brigadier, Vice President Civil Affairs
Section, Allied Commission, hereby appoint Colonel John
K. WEBER Inf., ASN O-102751 to be President and Judicial
Officer, and Lt. Col. A.S.C. BLOCK (B) and Major F.D.
STOTT (B) to be members of a General Military Court for
the trial of all persons who may be brought before it.


M. CARR, Brig.,
VP, CA SEC, HQ AC.

27 Sept. 45

(101A)

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

28 August 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, HQ.AC.

SUBJECT : Alleged murders at Schio.

File No : RXII/LE/Vic/A/08.

1. The General Court has been convened in this case to try the accused on 6 September 1945 at 0930 hours at the Court Room of the Special Court of Assize at 17 Via Porti, Vicenza.

2. The Prosecutor estimates the duration of the trial at six days, but it is sincerely hoped that this is an over estimate.

3. A room is reserved for you at the H.Q. Mess at Padova. No blankets or rations need be brought.

4. The same applies to any EM/OR driver whom you may bring. Would you however please phone me if your driver is a civilian, and I will arrange accommodation for him. Unfortunately no arrangements are apparently made here for civilians, so he should bring his own rations.

35

Jackman
Major,
Regional Legal Officer,
Venezie Region.

*Capt Ben telephoned message
20/8/45*

Reply - see bank

30 AUG 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AO/4002/11/L.

/lc.
27 August 1945.

SUBJECT : Shooting Incident at Limone.

TO : Regional Commissioner (Attn: Regional Legal Officer),
PIEMONTE Region.

Reference your PR/LE/306 of 23 August 1945, herewith
copy of this Sub-Commission's letter AO/4002/11/L of 26 Apr.45
as requested.

By command of Rear Admiral STONE:

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

Incl.

34

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

23 August 1945.

PR/LE/306.

SUBJECT : Shooting Incident at Limone.

TO : Hq. A.C. for Legal Sub-Commission.

1. In 2nd. Ind. to our PR/LE/306 of 16 August, which 2nd. Ind. is dated 21 Aug., but which bears no reference symbol of your office and of which no copy was furnished, you regret that our filing system is inadequate. There is no need for regret as our system is adequate. However we cannot file orders or letters which are not received. The correspondence register of Region Hq. and of this office, and the memories of undersigned, Maj. Mc. Colm and the Chief Clerk of the Legal Division all evidence the fact that no order or letter as referred to in para 1. of your 2nd. Ind. has been received by this Region.

2. May we have an authenticated copy of the letter and order, please?

3. In answer to the query propounded in para 3 (e); the interpreter will speak French, Italian and English.

For the Regional Commissioner.

3

EJM/CB.

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

27 AUG 1945

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

2nd Ind.

HEADQUARTERS, ALLIED COMMISSION, Legal Sub-Commission. 21 August 1945.

TO : Regional Commissioner, PRISONER REGION. (Attn. R.L.O.)

1. It is regretted that your filing system is inadequate. A glance at the order attached to this Sub-Commission's letter of 26 April 1945 reveals that, in addition to Lt. Col. Mercer, Majors Durham and McCalm are available to act as Presidents of General Courts.

2. It is regretted that authority cannot be granted for an officer below field rank to preside over a General Court.

3. With reference to para. 4

- (a) is regretted but apparently irrelevant.
- (b) is noted but apparently irrelevant provided that the witnesses are available for trial.
- (c) is agreed: suggested charges under Italian law are attached.
- (d) is agreed.
- (e) is excellent.

W. B. BERRINS,
Colonel,
Chief Legal Advisor.

IMPUTAZIONE

TORELLO Spirito di Sebastiano, nato a Limone Piemonte il 18.5.1926 ed
ivi residente,

MARRO Giovanni di Giuseppe, nato a Limone Piemonte il 18.8.1914 ed
ivi residente,

imputati

il primo di omicidio (art. 575 C.P.) per avere, il 27 maggio 1945
nella frazione Braya del Comune di Limone Piemonte, cau-
sato con un colpo d'arma "sten", la morte del soldato
algerino Grain Ahmed, fuciliere del 2/29° R.T.A.

il secondo di occultamento di cadavere (art. 412 C.P.) con le cir-
costanze aggravanti di cui all'art. 112 n°2, per avere
seppellito, con l'aiuto di alcuni borghesi, il cadavere
del detto fuciliere Grain Ahmed a circa 150 metri dal
luogo ove lo stesso era stato ucciso.

98C

TORELLO Spirito of Sebastiano, born at Limone Piemonte on the 18.5. 1926, residing in Limone,

MARRO Giovanni of Giuseppe, born at Limone Piemonte on the 18.8. 1914, residing in Limone,

charged

the first with homicide pursuant to art. 575 P.C., in that he, on the 27 May 1945 at the fraction of Braya of the Commune of Limone Piemonte, by a shot of a sten-gun did cause the death of an Algerian soldier, to wit Grain Ahmed, fusilier of 2/29^e R.T.A.

the second with concealment of corpse pursuant to art. 412 P.C. with the aggravating circumstances under art. 112 n. 2, in that he did bury, with the aid of some civilians, the corpse of the said fusilier Grain Ahmed at a distance of about 150 metres from the spot where the same had been killed.

FR/LE/306

1st Ind.

97A
EJM/IR.

HEADQUARTERS PIEMONTE REGION, A.M.G., LEGAL DIVISION, 16 August 1945

TO : H.Q. A.C. for Legal Sub-Commission.

1. Forwarded for decision and action.

2. This HQ. is unable to act for the reasons that none of the officers appointed as qualified to act as President of a General Court (see AC/4002/11/L of 31 Jan. 45, subject: General Military Court Panels) is now available or subject to orders of this HQ. excepting Lt.Col. Mercer who this HQ. does not wish to act on such court.

3. Capt. Jasper More (B), P.Leg.O., Cuneo is suggested as a suitable and qualified officer to act as President, either Lt. Col. Paul D. Shriver (R.Prop.Cont.C.) (A) or 1st Lt. Edward E. Nevans Jr. (P.Leg.O. Aosta)(A) as falling within the description of "Judicial Officers", and Captain N.A. Dickens (B) of Cuneo as the third member. 1st Lt. Louis A. Sabatino (A) is qualified to act as prosecutor.

4. In considering the questions raised attention is invited to the following:

(a) The present R.C. Piemonte will probably be relieved in the near future.

(b) The engagement to try the accused in an A.M. Court was on the tacit understanding that the facts necessary to bring accused to trial would be furnished promptly. Such papers were not received until 27 July - two months after the incident.

(c) That as proclamations had not been posted it is apparent that accused cannot be tried for a proclamation offense.

(d) A Superior Court would not be an adequate forum.

(e) An interpreter can be provided from this HQ.

For the Regional Commissioner.

EJM/IR.

Encl. N/C.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
CS	
CL	
Italian Section	
CLERKS	
15 AUG 1945	

Edwin J. Mercer
Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4002/11/L.

4 August 1945

SUBJECT : General Military Court.

TO : Regional Commissioner, VENEZIE REGION.
(Attn. Regional Legal Officer)

1. Your RXII/LE/Reg/A/05.1 of 3 Aug 45 is acknowledged.
2. If Col. Weber finds that too much work has accumulated in his absence I will come north and try the case myself. As Major Wright is leaving about that date Col. Weber may be reluctant to leave this HQ but one of us will be available. *If I come I should like the trial postponed to 11/15/45.*
3. The order can be prepared with alternatives to cover either case.
4. Incidentally in drafting charges in cases of this nature, I suppose your attention has been drawn to Art. 72 as applied with Art. 577 (3) of the Penal Code.

By command of Rear Admiral STONE.

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

HGW/lp.
3 Aug 45.

TO : Chief Legal Adviser,
Legal Sub-Commission, HQ., AO.

SUBJECT: General Military Court.

FILE No: RXII/LE/Reg/A/05.1.

1. I understand from Colonel Weber that one General Court case was successfully concluded at Bolzano, but that it was necessary to adjourn the second case which it was hoped to try, as neither Prosecution nor Defence was ready to go on.

2. The adjourned hearing has been fixed for Monday, 13 August.

3. I have another General Court case in Belluno, which I hope to have ready for trial in the same week - a case of gaol breaking and murder by alleged partisans of some political prisoners.

4. It would be a great convenience if I could use the same court, which has already been assembled, for the trial of these two cases. This will of course necessitate Colonel Weber returning to North Italy at the conclusion of next week, and I am therefore writing to you at once to confirm that this will be in order.

5. I may say that it would be extremely difficult for me to assemble another Court. I shall not myself be available to sit - for two reasons. I have an engagement in another part of the Region on the 14th, where my presence is required by the Regional Commissioner for an important conference which has been arranged. Moreover, I desire to be free of other commitments during that week, so as to enable me to give a proper hand-over to my successor before my own departure.

6. The cases for trial are of such importance that I consider it most desirable that the court be presided over by an experienced and senior Legal Officer. If for any reason Colonel Weber cannot be made available, I frankly do not see

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6. The cases for trial are of such importance that I consider it most desirable that the court be presided over by an experienced and senior Legal Officer. If for any reason Colonel Weber cannot be made available, I frankly do not see what other suitable President I can find.

7. In these circumstances I earnestly request that Colonel Weber be again made available to act as President. If this proves absolutely impossible, I should be glad if you could advise me at once by telephone, so as to give me as long a time as possible to make what other arrangements may be possible.

K.L. Linn

Colonel,
Regional Legal Officer,
Venezie Region.

Legal Sub-Committee
CLO
DCLO
Chief Counsel
CJO
Italian Mission
Cl RKS
4 AUG 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

94A

AS/4002/11/1.

JL/mt.
24 July 1945.

SUBJECT : General Military Court - Bolzano Province.
TO : Regional Commissioner (Attn: Regional Legal Officer)
VENETIAN Region.

1. Reference you letter RXII/LE/Reg/A/05.1 of 19 July 1945.
2. Colonel WEBER will proceed by automobile; he will leave Rome on or about 27 July 45 and is expected to arrive in Padova on Saturday 28 July 45. Any changes to the above plans, prior to departure, will be communicated to you either by signal or telephone.

By command of Rear Admiral STONE:

John K. WEBER,
Colonel Inf.,
Chief Judicial Officer,
for Chief Legal Advisor.

26

file

HEADQUARTERS
VEREZIE REGION
Allied Military Government
APO 394

93A

HGW/lp
19 July 45..

TO : Chief Legal Adviser, Legal Sub-Commission, HQ., AC.
(Attn. Chief Judicial Officer)

SUBJECT: General Military Court, Bolzano Province.

FILE No: BXII/LE/Reg/A/05.1.

1. I confirm telephone conversation of yesterday (Colonel Weber - Colonel Willmer) when it was arranged that Colonel Weber should preside over a General Military Court to be convened at Bolzano on Monday, 30 July 1945.

2. I now enclose copy of the Convening Order, for Colonel Weber's own personal use. It will be observed that the convening Order is signed by Brigadier Dunlop, for and on behalf of Senior Civil Affairs Officer, Allied Military Government, 5th Army, Bolzano Province being still in 5th Army Area. I have to-day received telephone authority from AMG., 5th Army, to do this, and I have requested that this be confirmed in writing. The written authority, when received, will be attached to the original Convening Order and forwarded to Provincial Legal Officer, Bolzano Province, to be tended to the Court with the original Convening Order.

3. For your information the Court is being convened to try one case (that of Stricher Giovanni), the papers in which have already been before the C.L.A. for advice. It is possible that a second similar case (i.e. another case of murder by an ex-German soldier) will be ready for trial at the same time, and if so it is hoped that the Court will be able to deal with both cases.

4. It is suggested that Colonel Weber come to Padova first, and proceed to Bolzano from here. If he comes by plane, I will place an automobile at his disposal to take him to Bolzano. If he prefers to come by road, bringing his own automobile, I would still suggest that he stop

No. 785016

at Padova on the way, as it would not be possible to get through to Bolzano in one day. In either event Colonel Weber should arrive in Padova not later than Saturday, 28 July, and can then proceed on to Bolzano on Sunday, 29 July. I can assure you that the drive from Padova to Bolzano is well worth doing.

5. Please inform me in due course what Colonel Weber's plans are, so that I can make the necessary arrangements.

6. Accommodation will be provided at Bolzano.
No bedding is required.

H. C. Linnear

Colonel,
Regional Legal Officer,
Venezie Region.

LEGAL SUB COMMISSION

CLO

GOLO

Chief

CFO

Trade

21 JUL 1981

Handwritten signature: JMW

ALLIED MILITARY GOVERNMENT
VENESUELA

I, J. E. MILLER, C.D.C., Major, Brigadier,
Regional Commissioner, Venezuela Region, Allied Military
Government, pursuant to authority received from the
Senior Civil Affairs Officer, Allied Military Govern-
ment, Fifth Army, hereby appoint Colonel J. E. MILLER to
be President and Major J. E. MILLER and 1st Lieut.
P. J. MILLER to be members of a General Military Court
for the trial of all persons who may be brought before it.
and I further direct that the said General Military Court
shall meet at the Casa del Pueblo, Via Emilio Cossio, Bol-
sone, at 1500 hours on Monday the 20th day of July 1945
and upon other days as may be necessary for the trial of
the offences brought before it.

Dated 18 July 1945.

23

John E. Miller

23

be President and Judge of the Tribunal. I shall direct that the said Tribunal shall meet at the Casa del Pueblo, via Calle Comercio, Bol-
sano, at 0900 hours on Monday the 30th day of July 1945
and such other days as may be necessary for the trial of
the offenses brought before it.

Dated 19 July 1945.



Brigadier,
Regional Commander,
Venezuela Region,
for and on behalf of
Senior Civil Affairs Officer,
A.C.S., Fifth Army.

4092/11

92A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5002

13 July 1945

SUBJECT : General Military Courts.

TO : HQ. Allied Commission - (Legal Sub-Commission)

1. There is no foundation for the reports, which it is understood have appeared in to-days Rome Press, to the effect that a mob tried to break into an A.M.G. Court in Milan during a trial of partisans.

2. This story has apparently been made out of the fact that a crowd of sightseers wishing to gain access to the Court-room, where a General Court was assembling yesterday, had to be pushed back from the doors by the M.Po on duty.

3. The trial proceeded throughout yesterday without incident and is continuing to-day before a smaller audience.

2

For the Regional Commissioner :

H.M. Dickie

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

vb

[Signature]

13 JUL 1945

Q1A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

/rlp.
7 July 1945,

AC/4002/11/L.

SUBJECT : General Military Court Panel.

TO : SCAO, XIII Corps.

1. Reference your AMO/LD/47, undated, the amending order, as requested by you, is enclosed herewith.
2. It should be pointed out however that, in view of the seriousness of cases tried by General Courts, it is most desirable wherever possible to have at least two judicial officers on such courts.
3. It appears that there are sufficient legal officers assigned to XIII Corps to enable this policy to be generally followed.

By command of Rear Admiral SPONE:

G. R. UPJOHN, Brig.,
VP, CA Sec, Hq MC.

Incl. Amending Order.

23

91B

HEADQUARTERS
ALLIED COMMISSION

With reference to my order dated 23 June 1945 for the appointment of a General Military Court for the trial of offences in the area under control of SCAG XIII Corps, I, GERALD R. URGIN, Brigadier, Vice President Civil Affairs Section, Allied Commission, hereby order that the said order be amended by the deletion of Section (d) of paragraph 3 thereof.

G. R. URGIN, Brig.
VF CA Sec, HQ AC.

July 1945.

20

AMG/ED/47

(90A)

HEADQUARTERS
Allied Military Government
13 Corps

Subject: General Military Court Panel.
To : AC.HQ., for Attention Chief Legal Adviser.
C.M.F.

1. Your AC/4002/III dated 28 June 45 refers.

2. The legal staff at present available in this Territory is not adequate to fulfill the requirements of para. 3 (d) of the annexure to your above-quoted letter.

In Gorizia there are only 1 Major and 1 Lt., in Trieste there are now 1 Major and 1 Lt., and in Pola there is only 1 Captain.

3. If both the Area L.O. and his assistant are to be members of a General Military Court all the other legal work of the Area will come to a stand still while the trial is in progress apart from the added difficulty of finding a prosecuting Officer and of providing an Officer for the defence if the accused makes a request for such an Officer.

4. I shall accordingly be pleased if you will limit your judicial Officer requirements to the President of the Court and will permit the S.C.A.O. to find the other members from such lay Officers as may be available. You will remember that this was done at my request when I was required to run the Southern Region with an inadequate staff of Legal Officers.

For Senior Civil Affairs Officer

L. J. O'Connor

Lt. Col.
Chief Legal Officer.

Jaw

JUL 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/elp.
5 July 1945.

AC/4002/11/L.

SUBJECT : General Military Court.

TO : 1st Lt. Gordon S. Cummings, 01300939, 1st Staging Area Bn, APO 782.
Maj Arthur S. Briggs, 0364022, 1st Staging Area Bn, APO 782.

1. Orders have been issued at this Hq appointing you a member of a General Military Court to sit at Florence commencing Friday, 13 July 1945, 1400 hours. A copy is enclosed.

2. Court will convene in Corte d'Appello Room 18 Via Cavour 57.

3. I will arrive at Excelsior Hotel the night of 12 July or morning of 13th.

4. The trial will consume at least three days.

By command of Rear Admiral STONE.

ANTHONY P. HUGHES,
Major,
Chief Counsel, AC.

Incl: Order of Hq AC.

18

SSA

HEADQUARTERS
ALLIED COMMISSION

I, GERALD R. UPJOHN, Brigadier, Vice President Civil Affairs
Section, Allied Commission, hereby appoint Major Anthony P. Nugent,
AIE, Spec-Pes, ASN 0130270 to be President and Judicial Officer, and
Major Arthur S. Briggs, Inf., USA, ASN 0364022, Capt. Charles F.
Delbridge, Jr., QMG, USA, ASN 0423654, 1st Lt. Gordon S. Cummings, Inf.
USA, ASN 01300939 and 2nd Lt. Joseph MacLaughlin, TC, ASN 02038806 to
be members of a General Military Court for the trial of all persons who
may be brought before it.

G. R. Upjohn
G. R. UPJOHN, Brig.
VP, CA SEC, HQ AC.

4 July 1945.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

87A

AG/4002/11/L.

/rlp.
30 June 1945.

SUBJECT : General Military Courts for XIII Corps.
TO : SCAO, AMB, XIII Corps.

Under date of 28 June 1945, AG/4002/11/L, a General Court Panel for XIII Corps was authorized by the VP Civil Affairs Section and sent to the SCAO XIII Corps. The questions raised in your letter are therein dealt with.

By command of Rear Admiral STONE:

W.E. Bickens
W.E. BICKENS.
Colonel.
Chief Legal Advisor.

16

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 Corps.

25 June 1945

AMG./V.G./L.D./40

Subject: Power to convene General Military Courts.

To: Allied Commission, Headquarters, C.M.F.

1. I shall be pleased if authority may be issued to Colonel Nelson.W.Monfort or to the Officer for the time being holding the appointment of S.C.A.C. Headquarters, Allied Military Government, 13 Corps to convene General Allied Military Courts.

2. I also ask that, owing to the paucity of Legal Officers in the Occupied Territory, the requirement that two Legal Officers should sit on such Court be waived and that authority be granted for the Court to be constituted with two lay Officers as members under the Presidency of an Officer qualified to sit as sole judge on a Superior Court Bench.

3. I point out that when Brig. UPJOHN was here he stated ~~that~~ ^{that} he would attend to the matter raised in para.1 of this letter.

For the Senior Civil Affairs Officer

L.F. DAWSON

Lt.Col.
Chief Legal Officer

29 JUN 1945

HEADQUARTERS ALLIED COMMISSION
AEO 394
LEGAL SUB-COMMISSION

AC/4002/11/L.

/rlp.
28 June 1945.

SUBJECT : General Court Panel.

TO : SCAO, XIII Corps.

Herewith enclosed four copies of General Court Panel, duly signed
by VP Civil Affairs Section.

By command of Rear Admiral STONE:

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

Incls: General Crt Panel (4).

16

HEADQUARTERS
ALLIED COMMISSION

1. I, GERALD R. UNGER, Brigadier, Vice President Civil Affairs Section, Allied Commission, hereby appoint a General Military Court for the trial of such offenses in the area under the control of SCAO XIII Corps as the said S.C.A.O. may direct to be tried thereby.

2. Such Court shall meet as directed by the said S.C.A.O.

3. The Officers to sit on such Court for any particular case will be nominated by the said S.C.A.O. subject to the following conditions, namely.

- a. Such Court shall consist of not less than three officers of the Allied Forces.
- b. Not less than one officer shall be selected from such of the officers named below as may for the time being be serving under the command of or whose services may otherwise be available to the said S.C.A.O.
- c. Such officer, or if more than one such officer shall be nominated, then the senior of such officers, shall be President.
- d. The majority of the Court shall be composed of officers so named as aforesaid or other judicial officers (as defined in Consolidated Instructions for Allied Military Courts, Art. I) for the time being serving under the command of or whose services may otherwise be available to the said S.C.A.O.
- e. The other member or members of the Court shall be such officer or officers of the Allied Forces as the S.C.A.O. may think fit.

COLONEL

W. R. BRIDGES
J. A. WEBER
H. G. WILLIAMS

LT. COLONEL

G. C. T. AINSIE
L. P. DUNSON

MAJOR

R. G. S. ALEXANDER
P. J. AUBREY
P. B. BACHOUSE
T. C. S. BAYLINS
P. D. COOPER-FREEDY
L. L. COE
G. M. DAVIS
R. DETHM

THE OFFICERS ABOVE REFERRED TO

nominate, then the senior of the two
President.

d. The majority of the Court shall be composed of officers so named as aforesaid or other judicial officers (as defined in Consolidated Instructions for Allied Military Courts, Art. I) for the time being serving under the command of or whose services may otherwise be available to the said S.C.A.O.

e. The other member or members of the Court shall be such officer or officers of the Allied Forces as the S.C.A.O. may think fit.

COLONEL

W. E. BEHRENS
J. E. FISHER
H. G. WILDER

LT. COLONEL

G. T. AINSWORTH
L. P. DAWSON
W. C. KIDDER
W. H. KEVITT
M. J. MEECE
W. J. FUSSELL
A. R. THORNTON
W. P. WAUGH

WING COMMANDER

A. H. H. M. DICKIE

MAJOR

P. G. S. ALEXANDER
F. J. AMIS
P. BACKHOUSE
P. G. S. BAYLIS
P. D. COTTS-FREEDY
L. L. COX
G. M. DAVIS
R. DEERHAM
B. Z. DEVEREUX
A. V. J. GARDINER
H. L. GILMAN
A. S. GOLD
T. GOODWINE
G. B. KEYSERLI
D. C. LITTLE
D. D. MCCORM
R. F. MATTHEWS
A. P. HUGGINS
W. G. R. OATES
G. S. FARLIN
P. E. REXNOLDS
G. SCHWARTZ
W. D. STUMP
F. L. VECCHIOLLA

SPM

G. H. UELAND, Brig.
VP CA Sec Hdq. AC.

28 June 1945

HEADQUARTERS
TOSCANA REGIONI,
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3001

SUBJECT General Military Court, Pisa.

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

Date: 15 June 1945.

1. There are two cases at Pisa in need of trial by a general Court. Each case involves offenses against members of the Allied Forces. *44A*
2. See your letter 26 April 1945, AC/4002/11/L, and particularly Paragraph 4, where it is stated a majority of the Court must be judicial officers. Under present circumstances, only two Majors are available for detail, Majors Glenn and Goodwyn. Major Glenn is occupied in the wind-up of Florence Province; Major Goodwyn passes to Liguria on Tuesday.
3. There are available at Pisa, three U.S. Officers of the Transportation Corps as follows:

Major Arthur S. Briggs O-364022
First Lieutenant Gordon S. Cummins 1300939
Second Lieutenant Joseph Maciaughlin O-2038808.

The latter officer, recently commissioned is a practicing attorney, and by arrangement with the unit, Lt. Maciaughlin has been giving his full time in the Provincial Legal office, Pisa.

3. Lt. Arber Johnson, Provincial Legal Officer, Livorno is disqualified to sit in either of these cases, because of having participated in their investigation.

4. It is recommended that the Court be constituted from the judicial officers or officers you may designate, and the lay members from those of the Transportation Corps listed above.

5. It is also recommended that the court be of not less than five members, to take care of contingencies, which under existing conditions may be expected to happen in inopportune moments.

For the Regional Commissioner:

Regal etc
84A

3. There are available at Pisa, three U.S. Officers of the Transportation Corps as follows:

Major Arthur S. Briggs O-364022
 First Lieutenant Gordon S. Cummins 1300939
 Second Lieutenant Joseph MacLaughlin O-2038808.

The latter officer, recently commissioned is a practicing attorney, and by arrangement with the unit, Lt. MacLaughlin has been giving his full time in the Provincial Legal office, Pisa.

3. Lt. Arber Johnson, Provincial Legal Officer, Livorno is disqualified to sit in either of these cases, because of having participated in their investigation.

4. It is recommended that the Court be constituted from the judicial officer or officers you may designate, and the lay members from those of the Transportation Corps listed above.

5. It is also recommended that the court be of not less than five members, to take care of contingencies, which under existing conditions may be expected to happen in inopportune moments.

For the Regional Commissioner:

[Signature]
 JOHN K. WEBER,
 Colonel, Infantry,
 Regional Legal Officer.

LEGAL SUB-COMMISSION	
CLO	W
DCLO	
Chief Counsel	
CJO	
Italian Judge	
QL-RKS	
13 JUN 1945	
Capo Base	

Please with all

Concern fine arrangement

re Maj. Wagner

Wagner Col. Weber
 by phone

83A

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

6 June 1945

AC/4002/11/L.

SUBJECT : General Courts

TO : Provincial Commissioner, NAPLES COMZONE.
(for Senior Legal Officer)

Thank you for your letter of the 4th instant and the enclosures thereto. The most diligent enquiries from everyone here had failed to produce any information on the subject owing to a filing error, disclosed by the arrival of your letter.

By command of Rear Admiral STONE.

W. E. BRINKS,
Colonel,
Chief Legal Adviser.

12

82A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
HAPLES COMBINE
LEGAL DIVISION
APO 394

L-2213

4 June 1945

SUBJECT: General Court.

TO : HQ., Allied Commission (For Attention of
Legal Sub-Commission)

1. Reference is made to your letter AC/4083/1/L,
rm, 31 May 1945, relative to the above subject.

2. Enclosed herewith are copies of letters
AC/4002/11/L, lrb, 11 April 1945 and L-2213, GCB/ga,
21 April 1945, which we believe to be self-explanatory.

For the Commissioner:

11

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, *lyl*
Major, J.A.G.D.,
Senior Legal Officer.

GCB/pv

LEGAL DIVISION

CLO

DCLD

Chief Counsel

CJO

Kathryn

C. R. S.

5 JUN 1945

COPY

82B

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4002/11/1.

/lrò.
11 April 1945.

SUBJECT : General Courts.

TO : Provincial Commissioner, Naples Commune.

1. Reference your L-2213 of 6 April 1945, VP. CA Sec instructs me to say that the Provincial Commissioner is authorized to convene General Courts for offences committed within Allied Military Government territory with the same power as he would have if he were a Regional Commissioner.

2. A General Court panel is attached. You will note that the only presidents authorized are Major F.L. Vecchiolla, Major P.J. Aulisi, Major A.B. Gold and Major E.T. Kerr. It is appreciated that most of these officers are leaving the commune shortly but it is essential that General Court presidents should be legal officers not below field grade.

By Command of Rear Admiral STONE:

/s/ I. Campbell Col.

/t/ W.E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl: Panel

10

82c

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-2213

21 April 1945

SUBJECT: Legal Officers.

TO : Commissioner, AMG, Naples.

1. This Legal Section, which has had 6 Legal Officers assigned or attached thereto, will within the next two weeks be reduced to only 2 Legal Officers.

2. In addition to serving as Legal staff advisor to the Commissioner, the Senior Legal Officer with his staff has the following functions and duties to perform:

a. Maintain and provide Superior and General Military Courts.

b. Prepare and prosecute a great number of penal matters before said Courts.

c. Review and consider a great number of petitions for review and pardon of cases tried both in the Allied as well as the Italian Courts.

d. Supervise and control the Italian Courts in Naples Commune, to wit, the Court of Appeal, the Tribunale, the Tribunale for Minors, the Preture and the Military Tribunale.

3. All of the above mentioned functions and duties can be performed only by Legal Officers. Such functions and duties cannot be delegated.

4. In order to continue the maintainance of the Allied Military Courts and to provide them with judges and prosecutors, at least 4 Legal Officers should be assigned to this Legal Section. With less than that minimum number, it will be impossible to operate said Courts with any degree of efficiency.

For the Commissioner:

FRANK L. VECCHIOLIA,
Major, J.A.G.D.,
Senior Legal Officer.

CCB/ge

COPY

SIA

HEADQUARTERS ALLIED COMMISSION

AFC 394

LEGAL SUB-COMMISSION

AC/4002/11/L
AC/4083/11/L/rm.
31 May 1945.

SUBJECT : General Court.

TO : Provincial Commissioner (attn. Senior
Legal Officer), NAPLES Commune.

1. The record in the case of LUONGO Michale and 4 others (acquitted by a General Court on charges of killing a member of the Allied Forces and assaulting members of the Allied Forces with intent to kill) is returned herewith.

2. The Record contains a copy of the order convening the Court signed by the Provincial Commissioner.

I cannot find that authority to convene a General Court has been delegated to the Provincial Commissioner; can you tell me how he was authorised to convene this Court?

3. Are either Capt. DYASON or Capt. STANHOPE-HAYNE, the other members of the Court, qualified lawyers? The present policy is that the majority of a General Court shall be Judicial Officers (see Art. I of Consolidated Instructions) unless this Sub-Commission sanctions the convening of a Court with only one Judicial Officer.

By command of Rear Admiral STONE:



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

Copy to : AC/4002/11/L.

80A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

AC/4002/11/L.

/pa.
30 Apr 45.

SUBJECT : General Military Court Panel.

TO : Regional Commissioner, EMILIA Region.—
(Attn: Regional Legal Officer)

1. Your letter RIX/LE/668/103 of 27 April 1945 has been received. This Office letter AC/4002/11/L of 26 Apr 45 should have reached you by now and supplies the answer to your request.

By command of Rear Admiral STONE :

W. E. Brimms
W. E. BRIMMS,
Colonel,
Deputy Chief Legal Advisor.

4002/11

Legal Sec

79A

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF: RIX/LE/668/103

WHJ/dah.
27 April 1945.

SUBJECT: General Military Court Panel.

TO: Headquarters, Allied Commission, APO 394,
(for Deputy Chief Legal Advisor).

1. As of 25 April 1945, Forli and Ravenna Provinces came under control of Emilia Region.

2. Request that a General Military Court panel be appointed pursuant to para. 1, Art. 2, Consolidated Instructions. The following officers are suggested for the panel:

- Lt. Col. W. H. LEVIT (A), President
- Major Louis L. COX (A), President
- Major R. F. WILLIAMS (B), Judicial Officer.
- Major C. A. FAWCETT (B), Judicial Officer
- Capt. J. L. MORE (B), Judicial Officer
- Major John N. LUMMUS (A), Member
- Major A. NICHOLS (B), Member
- Capt. V. E. WILLOUGHBY (B), Member
- Capt. Clarke PAINTER (A), Member
- Lieut. E. W. SLADE (B), Member.

For the Regional Commissioner:

Copy to:

PLO Forli
PLO Ravenna

W. H. Levit
WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

See. Covered by 77A -
Overall General Court Panel

Reply *W.H.?*

*Your letter - of - has been rec'd. Has aff'd letter
to 4002/11/2 of 26 Apr 45. It has reached you by
this. It applies the answer to your request.*

W. H. LEVIT	
CLO	
DCLO	
Chief Counsel	
CJO	<i>Mr</i>
Italian Section	
CL RKS	
30 APR 1945	

11/20/44
LEGAL SEC

78A

ALLIED MILITARY GOVERNMENT

I, CONSTANTINE WELIN ELLSON, Air Commodore, Senior Civil Affairs Officer, Allied Military Government, Eighth Army, hereby appoint a General Military Court as follows for the trial of all persons who may be brought before it :-

Lt. Col. W.H. LEVITT, (President),	"
Major R.F. WILLIAMS, (Judicial Officer),	"
Major S.A. ELLIOTT,	"
Major E.E. O'SHAUGHNESSY,	"
Major F.L.E. RAWLING,	"
Capt. J. MOORE,	"
Capt. L.A. DE PINNA,	"
Lieut. L.W. SLADE,	"
Lieut. W.H. CRAIG, Jr.,	"
Capt. W. PRATT, (Member),	"
Capt. V.H. WILLOUGHBY,	"

Provided that the composition of the Court for the trial of any particular case shall be as indicated by me or on my behalf in accordance with the following provisions :-

- (1) Not less than three of the above-named Officers shall be present for the trial of each case ;
- (2) The Officer designated as President shall be present and shall preside at the trial of each case ;
- (3) At least one of the other Officers present at the trial of any case shall be one of the Officers designated as Judicial Officer.

In the field.

Dated : 26 April, 1945.

Constantine W. Ellson
Air Commodore,
Senior Civil Affairs Officer,
A.M.G. EIGHTH ARMY.

DISTRIBUTION :

provided that the composition of the Court for a particular case shall be as indicated by me or on my behalf in accordance with the following provisions :-

- (1) Not less than three of the above-named Officers shall be present for the trial of each case :
- (2) The Officer designated as President shall be present and shall preside at the trial of each case ;
- (5) At least one of the other Officers present at the trial or any case shall be one of the Officers designated as Judicial Officer.

in the field,

Dated : 28 April, 1945.

DISTRIBUTION :

SCAO, AIG 8th Army
DCLA, HQ A.O., APO 394.
S.O.1, AIG 8th Army Rear.
to each Officer above-named

to each officer above-named.

Air Commodore,
Senior Civil Affairs Officer,
A.M.G. EIGHTH ARMY.

WILKINSON

0.2

A.2.2

193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646
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50 APR 1945

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AC/4002/11/L.

26 April 1945.

SUBJECT : General Court Panel.

TO : Regional Commissioners (Atta: Regional Legal Officers)
UMBRIA-MARCHE, TOSCANA, EMILIA, LIGURIA, PIEMONTE,
LOMBARDIA, VENEZIE Regions.

1. It is inevitable that, in the present fluid conditions in Northern Italy, Regional General Court Panels on the lines heretofore used will require frequent amendment.

2. To meet this difficulty an over-all order has been prepared under which a R.C. may convene a General Court to consist of a President and a legal member (collected respectively from such listed officers and such other judicial officers as may for the time being be available to him) and a lay member.

3. Regional Legal Officers have not been consulted as to the officers to be included in the list of permissible Presidents because it is felt that, having regard to the over-all nature of the order, the responsibility for selecting these officers must be that of this HQ. For reasons of policy no officer is included in the list who is below field rank.

4. Under the Order a majority of the Court must be judicial officers. If, for a particular case, it is not possible to convene a court on the basis of the order application may be made to this HQ for a court to be convened with a minority of legal officers: any such application must specify the name of the suggested President and, in the unlikely event of the court consisting of more than three officers, of the other suggested legal member.

5. Consolidated Instructions for A.M. Courts, Article 2, para 1b (2) (a), refers to the convening of General Courts "from a panel appointed for that purpose". This order appoints a panel within the meaning of that article.

By command of Rear Admiral STONE:

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

Incls:

778

I, GERALD R. UPJOHN, Brigadier, Vice-President Civil Affairs Section Allied Commission hereby order as follows:

- 1) All previous orders appointing an Allied General Military Court in any Region which now is or may hereafter become subject to the AMG are hereby cancelled.
- 2) An Allied General Military Court is hereby appointed in each such Region for the trial of such offences as the Regional Commissioner may direct to be tried thereby.
- 3) The said Court shall meet as directed by the Regional Commissioner.
- 4) The officers to sit on the Court for any particular case will be nominated by the Regional Commissioner subject to the following conditions, namely:-
 - a. Such Court shall consist of not less than three officers of the Allied Forces.
 - b. Not less than one officer shall be selected from such of the officers named below as may for the time being be serving under the command of the Regional Commissioner or whose services may otherwise be available to the Regional Commissioner.
 - c. Such officer, or if more than one such officer shall be nominated, then the senior of such officers, shall be President.
 - d. The majority of the Court shall be composed of officers so named as aforesaid or other judicial officers (as defined in Consolidated Instructions for Allied Military Courts, Art. I) for the time being serving under the command of the Regional Commissioner or whose services may otherwise be available to the Regional Commissioner.
 - e. The other member or members of the Court shall be such officer or officers of the Allied Forces as the Regional Commissioner may think fit.

G. R. UPJOHN, Brig.
V P CA Sec, HQ AC.

THE OFFICERS ABOVE REFERRED TO

Colonel

W. E. BEHMENS
J. K. WEBER
H. G. WILLMER

Lt. Colonel

G. G. T. AINSLIE
L. F. DAWSON
W. G. ELDER
W. H. LEVIT
E. J. MERCER
W. J. PURCELL
A. R. TROCKELL
W. F. WAUGH
G. M. WELSFORD

Wing Comdr

A. H. H. M. DICKIE

Major

R. G. S. ALEXANDER
F. J. AULISI
P. BACKHOUSE
J. A. BOYD-CARPENTER
P. D. COTES-PREEDY
L. L. COX
G. M. DAVIS
R. DERHAM
B. E. DREYFUS
A. W. L. FRANKLIN
A. C. J. GERMAN
H. L. GLENN
A. E. GOLD
E. T. KERR
D. C. LITTLE
D. D. MCCOLM
G. W. McFADYEAN
E. K. MATTHEWS
A. P. NUGENT
W. G. R. OATES
E. L. PALMIERI
G. S. PARLIN
P. E. REYNOLDS
G. STEWART
W. D. STUMP
F. L. VECCHIOLLA
R. M. WOODWARD
F. E. YOUNG

4002/11

File

76A

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) ✓
FROM : HQ AMG UMBRIA MARCHE REGION (Legal)
SUBJECT : General Military Court
REF. : R5/511/16
DATE : 21 April 1945

HEADQUARTERS
23 APR 1945
A. C.

Application is hereby made for addition of the names of the below listed officers to the General Court panel of this Region :

Major J. A. BOYD-CARPENTER
Major A. W. L. FRANKLIN

For the Regional Commissioner

*See file with UACASec
for approval of over-all General
Court panel, which no doubt
will also take care of this
No action?*

23 Apr 1945

DDO ← *Yes, AM*
Chief Counsel
CJO *RA*
Hollis
CLERK

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

254

0784