

ACC

10000/142/40

PROCEEDINGS  
AUG., SEPT. 19

10000/142/40

PROCEEDINGS AGAINST HOSTILE CIVILIAN SNIPERS  
AUG., SEPT. 1944

FILE CLOSED : 13 September 1944

1



PARTITO COMUNISTA REPUBBLICANO  
FEDERAZIONE DELL'URBE

IL COMMISSARIO FEDERALE

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4002/14/L.

WIM/pa.  
13 Sept 44.

SUBJECT : Hostile Civilian Snipers-- Legal Procedure.

TO : HQ, AMG 5th Army.

1. Reference your 208/5 of 9 Sept 1944, no ruling has been given by this Sub-Commission, since we were not invited to give a ruling and the letter was sent to us for information only.

2. We have no doubt that an AMG Court has jurisdiction to deal with the case mentioned by you, though the charge would have to be framed against the accused as illegal belligerents under International Law, and not under the AMG proclamations. The same, of course, is true of a trial by Court Martial.

3. We are and always have been perfectly ready to try these cases and any other similar type of case in AMG Courts. The only delay that need occur is in the preparation of the case, convention of the Court and production of the evidence. If there is a death sentence this cannot be confirmed within 30 days unless an appeal is filed before this time.

4. Equally we are perfectly agreeable for these cases to be tried by Court Martial under the direction of 5th Army. You are in a better position than we are to discuss, on the spot, with JAG the relative advantages of this course as regards the inconvenience and delays likely to be experienced.

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

HEADQUARTERS  
A.M.G. 5th ARMY  
A.P.O. 464 U.S. ARMY.

9th September 1944.

208/5.

SUBJECT: Hostile Civilian Snipers -  
Legal Procedure.

TO : C.I.O., H.Q., A.C.C.

1. With reference to H.Q., A.A.I. letter to Commanding General 5th Army, reference 5157/A (PS) dated 21st August, copy of which was sent to H.Q., A.C.C. May I please be informed whether any ruling has been given by the Legal Sub-Commission on this matter.

2. The only difficulty would appear to arise in the case of a civilian sniper captured in a town where hostilities were still in progress and before occupation was established, as it is doubtful whether in those circumstances an A.M.G. Court would have jurisdiction. Your views would be appreciated.

*H.M. Dickie*  
H.M. DICKIE,  
W/Comdr., R.A.F.,  
Legal Officer,  
attached A.M.G. 5th Army.

LEGAL SUB-COMMISSION

C.I.O.

D.O.

Chief Clerk

C.I.O.

Information Section

CL RKS

2

LEGAL S.E.

SECRET

1A

SUBJECT: Hostile Civilian Snipers - Legal Procedure

HQ ALLIED ARMS IN ITALY

Tele: - FILROT 221

5157/A (HS)

21 AUG 44

CG Fifth Army

Copies to: Main Eighth Army

HQ 1 Dist

HQ Allied Control Commission

GSI(B)

Provost

ADJAC

1. The question of the correct method of dealing with the cases of hostile civilian snipers captured in such places as FLORENCE has been raised. The necessity for immediate trial and rapid disposal of cases is evident.

2. At the present time it is not practicable to deal with such cases by British Court Martial. If they have to be dealt with under British arrangements it will be necessary for your AMC staff to arrange for the holding of a Military Court, at short notice. The wait of 30 days required between the confirmation of a death sentence, and its execution, will have to be accepted.

3. It is, however, possible that CG FIFTH Army may find that such cases can be dealt with more expeditiously under American procedure. Will you kindly inform this HQ of your views and suggestions on this matter.

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS CMC/JLM

*Col. P. H. B.*  
Major-General,  
Chief Administrative Officer.

1064