

ACC

10000/142/145

POLICY ON OFFENCES AGA  
MAR. 1944 - JAN. 1947

10000/142/145

POLICY ON OFFENCES AGAINST ALLIED INTERESTS  
MAR. 1944 - JAN. 1947



VPAS / Please sign enclosed ~~memorandum~~ to HRA. if approved.

4 Jan 44  
G. G. Hornbory  
Lt Col  
f DCLA.

③

VPAS. Ref 48A. Our comments are set out in the attached letter which might form the basis for a reply, if approved.  
under for  
DCLA.

26 Jan 45

④

To VP. Re. Minute 3 to 49a.  
In Cos file 2604 the following minute appears  
"C.O. Olsen let me have a discussion (C.O. meeting)  
(a) "C.A.S. comments before Proj Develop and/or signed M.S.L.  
(b) "VP. C.A.S. - Perhaps you will see C.O. on this & then bring up at next Tuesday's meeting" Tabled

I have replied that Regal has already taken action on the "action" copy and Regal is before you.  
C.A.S.  
27 Jan 45  
5  
Regal  
VPAS Approved please forward for signature  
J. H. Kniffen

C.A.S.  
29 JAN 1945



C.O.S. (through)   
 Reply to USA is at 49A and is submitted for   
 your information. A spare copy is attached if required.

Washington   
 W.B. Brennan, Co   
 D.C. - A.

Regene S/C   
 2 FEB 1945

8

CA Sec

Copy referred to in 7 is retained + file returned   
 to you.

*W.B. Brennan*   
 Office of C.S.

3 Feb 45

9

VP. CAS.

50A

1. Herewith for your info reply to USA.
2. Sift Patts states that the circular was sent. Anyhow a further   
 copy has now been forwarded.
3. It is not thought that any further action is required. (Shown   
 to stated that no case has been referred to this S/C when complaints   
 have been made and found of undivided along in thinking case.

*W.B. Brennan*   
 Office of C.S.

This is being taken up with R.C.

5 Feb. 45

10

Legal

I agree with your para 3 - no further action   
 required especially in view of the new deal.

7 Feb.

*W.B. Brennan*

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

FILE  
65A

AC/4011/L

LJG/ns  
28 January 1947.

SUBJECT : Case of MORRIS EPPIE,  
American Colored Soldier.

TO : The Theatre Judge Advocate General  
MTOUSA, APO N° 512, U.S. Army.

1. There are forwarded enclosed  
communication received from the Italian Ministry  
of Grace and Justice and translation thereof.

2. It will be appreciated if we may  
be advised regarding reply to be made by this  
office in this connection.

JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

MINISTRY OF PARDON AND JUSTICE

Rome, 17 January 1947

Uff. I° A.P.

Prot. N° 138.131/3662/46

TO THE ALLIED COMMISSION  
Legal Sub-Commission

and for information:

R O M E

TO THE LIAISON OFFICE

SUBJECT : Killing of an Allied coloured soldier named  
MORRIS EPPIE.

The "Procura Militare" of La Spezia forwarded to the Ministry of Pardon and Justice, with letter N° 3195 of January 2nd 1947, the file of the "Carabiniere" TACCOLA Urbino, son of Erasmo, responsible of having killed an Allied coloured soldier MORRIS EPPIE, serial N° 33822358, rendering service at the 110th O.M.B.N. 3430 C.O., and has requested in accordance with Art. 16 C.P.P. authorization to proceed against Carabiniere TACCOLA for having committed the act, when being on police duty.

It appears from the file that Morris Eppie and his companion JUNIOR M. MOCALL were driving the truck (upon were also two Italian women), at full speed and with sharp turns had directed it many times against the opposite sidewalk. When the people protested, Morris Eppie descended from the truck and, having taken an iron-bar, assaulted the passing people to illtreat them. He also broke some window-panes of the nearby shops.

The threatening attitude of the soldier provoked the intervention on the Carabiniere TACCOLA Urbino, who, in so doing, drew upon himself the anger of the two Allied soldiers. They tried to isolate the Carabiniere pushing him against a wall. Feeling himself in a serious danger, TACCOLA fired two shots in air first, in order to frighten the soldiers, but it led to no results and therefore he directed his arm against Eppie, who came in a threatening manner against him, shaking and turning the iron-bar. The Carabiniere fired another shot, which caused an injury resulting in the death of the soldier.

The above is communicated to this Legal Division for their eventual considerations. The Ministry wishes to be informed of the outcome of investigations, eventually made in this regard by the Allied Authorities.

For the Minister  
Spallanzani

Sgd.:

4-0-11  
3rd Ind.

ALLIED COMMISSION, LEGAL DIVISION, APO 794, U.S. ARMY, 10 Jan 46.

TO: CO, AGRS/MTZ, APO 794, U.S. ARMY.

1. Modena not longer being within occupied territory the case mentioned in basic letter should be referred to local Italian Authorities for prosecution under provisions of the Italian Penal Code.

2. The Ministry of Pardon and Justice of the Italian Government in Rome has been contacted and has agreed to see that necessary local court action is taken regarding the case if sufficient detail as to the incidents described may be provided.

3. To avoid the alternative of AGRS dealing with local police in this connection this Division will be pleased to pursue the matter further with this Ministry if information may be forwarded covering names of available witnesses to both offences related, whether insult to the flag occurred in the Italian Red Cross Garage referred to and when, whether such place is public or open and exposed to the public, and any other facts that may be considered pertinent to prosecution of the accused.

JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

1st Ind

Headquarters Field Sector Unit No 2 AGRS/MTZ, APO 782, U.S. Army  
11 Dec 46

TO: Commanding Officer, AGRS/MTZ, APO 794, U.S. Army.

Forwarded for whatever action deemed necessary.  
FOR THE COMMANDING OFFICER:

Sgd.: ROBERT W. CAMPBELL  
Captain Inf  
Executive Officer

2nd Ind

HEADQUARTERS, AGRS/MTZ, APO 794, US Army, 23 Dec 46.

TO: Allied Control Commission, APO 794, U S Army.

Attn: Legal Division.

Forwarded for whatever action deemed necessary.

FOR THE COMMANDING OFFICER

Sgd.: SAMUEL F FRITZ  
Captain QMC  
Adjutant

HEADQUARTERS  
U.S. MILITARY CEMETERY MIRANDOLA, ITALY  
Field Sector Unit #2, AGS/MTZ  
APO 782 U.S. Army

Date 9 December 1946

SUBJECT : Charges against civilian thief.

TO : Cndng. Officer,  
Hqrs.,  
Field Sector Unit #2,  
AGS-MTZ,  
APO 782, U.S. Army.1. Request charges be preferred against BERGAMINI, Onelio,  
Via Iacopo da Porta, No. 666, MODENA.2. a. Charges against above named civilian are; Stealing spare  
tire and wrenches from jeep parked in Italian Red Cross Garage on  
7 December 1946 between the hours of 0100 and 0230 a.m.b. Serious charge is as follows: ABOVE NAMED CIVILIAN  
RIPPED AMERICAN FLAG FROM FRONT OF JEEP AND USED SAME AS LATRINE  
PAPER.

3. No. of tire is No. 1802 13.

4. Request charges be sent through American Authority  
through channels or charges be sent this Detachment along with  
Authority to withdraw above named civilian from Custody of Italian  
Authorities. Civilian is now being held at the Santa Eufemia Jail  
in MODENA. Tire and wrenches have been recovered and American  
Flag has been burned by the undersigned.

5. Request action be taken as soon as practicable.

*Lester F. Enk*  
LESTER F. ENK 73  
Cpl.  
U.S. Mil. Com. Mirandola,  
Italy.



HEADQUARTERS  
MEDITERRANEAN THEATER OF OPERATIONS  
UNITED STATES ARMY  
APO 512

9 May 1946

AG 384/062 C/S-O

SUBJECT: Procedure on Arrests, Searches and Seizures of Italian Persons  
and Property.

TO : Commanders of all Major Commands, Separate Units and Installations

1. Pursuant to the Terms of Restoration of Additional Italian Territory, the Supreme Allied Commander has restored to the jurisdiction of the Italian government certain territory embracing all the mainland of Italy and adjacent islands, except for the Provinces of Udine and Venezia-Giulia, without prejudice to any rights and powers of the Allied Nations under the Italian Armistice, and subject to the right to maintain and quarter troops and to maintain and operate facilities, utilities, installations and supplies as may be required by the Allied Forces in the unoccupied territory. Pursuant to the resumption of jurisdiction by the Italian government, and apart from the powers stated, the authority over Italian persons and property by the United States Military Authorities in Italy, exclusive of the Provinces of Udine and Venezia-Giulia is, in the absence of the exercise by the Supreme Allied Commander of any reserved powers, limited to that described in this order.

2. The United States Military Forces have the right to arrest and detain for trial by Italian courts or request the Italian Government to arrest and detain for trial any Italian persons suspected of committing an offense or crime against United States Military laws and regulations, or against Italian laws and regulations, within United States military installations, camps, and other areas and buildings especially used by such forces.

3. Outside of locations listed in paragraph 2 above, all searches, seizures, arrests, and/or detention by United States Military Forces of Italian persons and property are prohibited except as hereinafter authorized.

4. United States Military authorities are authorized to search, detain and/or seize Italian hold property and search, seize and/or arrest, independent of Italian authorities, Italian persons where a criminal act is committed in their presence.

5. The "hot pursuit" of a suspect is authorized, independent of Italian Authorities. "Hot Pursuit" is defined as the right to pursue any person in flight where reason exists to suspect his connection with a criminal act.

6. Except as authorized herein, arrest, detention and/or search of Italian military personnel, and search of Italian military property will be handled exclusively by the Italian authorities. Cooperation and assistance by United States military personnel when requested by the Italian authorities will be furnished only when the security of United States persons or property is involved.

Ltr, Hq MTOUSA, APO 512, file AG 384/062 C/S-O,  
dtd 9 May 1946 (Cont'd)

7. Arrest, detention and/or search of Italian civilians and detention, search and seizure of Italian civilian vehicles or property, except as authorized herein will not be made except in conjunction with, and with the approval of, the proper Italian authorities.

8. Whenever there is reason to believe that crimes or offenses against United States military persons or property have been or are about to be committed, except as covered in paragraphs 2, 4 and 5 of these instructions, it is the duty of the proper United States military official to make known immediately the situation to the Italian law enforcement agencies and to request and urge necessary action. While cooperation will be given the Italian officials in such cases, the power of arrest, detention and seizure remains with the Italian authorities.

9. Brutality, unnecessary roughness and other similar "third degree" methods will not be engaged in by United States military personnel.

10. Road blocks for the search, and seizure of Italian persons and Italian held property will be operated only with the cooperation of Italian authorities. When so operated they shall be governed by specific instructions from the proper United States military authority. The policy will be that so far as practicable all interrogation, searching and seizing of Italians and property held by them shall be done by the Italian authorities. Where, in the operation of a road block, it is necessary for United States military personnel to participate actively, care will be taken to assure that such participation is in conformity with the desires of the local Italian authorities. Italians arrested or property seized will be held by the Italian authorities. Where property is of undoubted United States Government ownership it may, at the discretion of the United States authorities, be taken under United States military custody.

11. Italians arrested or detained will be turned over to Italian custody at the earliest practicable time, with a statement of the offense for which they are arrested or the reason why detention is desirable and with a request for confinement where appropriate. All cases of continued confinement by United States military authorities will be reported promptly to the Commander of the Major Command concerned.

12. Interrogation of Italian persons in connection with the investigation of matters within the limitations of these instructions may be conducted by United States military authorities without the presence or assistance of Italian authorities. Force or coercion may not be exercised to secure the attendance of persons aforesaid, or to obtain testimony. Full use of Italian law enforcement agencies will be made to secure witnesses and evidence.

13. It is for the mutual benefit of all concerned that interrogation, searches, seizures, detentions and/or arrests of Italians shall be in conformity with Italian law. Any failure of Italian authorities to cooperate or to

Ltr, Hq, MTOUSA, APO 512, file AG 364/062 C/S-O,  
dtd 9 May 1946 (Cont'd)

perform their legal duties will be reported through channels to this head-  
quarters without delay.

BY COMMAND OF LIEUTENANT GENERAL LEE:

*Ralph C. Tilley*  
RALPH C. TILLEY  
Colonel, AGD  
Adjutant General

DISTRIBUTION:  
"2"

71

4911  
365  
2165  
ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

LEGAL

62A

4 January 1946

SUBJECT: Protection of Allied Military Interests.

TO : Headquarters, Allied Commission,  
APO 394.

1. For your information there is forwarded <sup>inclosed</sup> a copy of cable from  
PBS reference 4726 of 27 December 1945 together with a copy of the reply  
from AFHQ reference F 57679 of 3 January 1946.

2. It is requested that you represent to the Italian Government  
the necessity for energetic steps to be taken to effect the speedy  
execution of justice in all areas where Allied Military interests are  
large (e.g. ports and other major base installations) and where crimes  
have been committed against allied personnel or property. Effective  
law enforcement and prompt justice on the part of the Italian Authorities  
are more important than ever, now that the Northern Provinces have been  
handed over to the Italian Government and in view of the continued decrease  
of allied military personnel in this theatre due to redeployment and  
release.

BY COMMAND OF LIEUTENANT GENERAL MORGAN.

*[Signature]*  
8 JAN 1946  
A. L. HAMBLER,  
Brigadier General, GSC,  
Assistant Chief of Staff, G-5.

Copy to: PBS, AFHQ.

|   |                      |
|---|----------------------|
| → | LEO - JOB COMMISSION |
|   | CLO                  |
|   | DCLO                 |
|   | Chief Counsel        |
|   | CJO                  |
|   | Italian Liaison      |
|   | CL RKS               |
|   | 10 JAN 1946          |
| → | Mr. Thomas           |

70

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

4 January 1946

SUBJECT: Protection of Allied Military Interests.  
TO : Headquarters, Allied Commission,  
APO 394.

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BY COMMAND OF LIEUTENANT GENERAL MORGAN.

A. L. HAMBLIN,  
Brigadier General, GSC,  
Assistant Chief of Staff, G-5.

Copy to: PBS, AFHQ.

AFHQ MESSAGE CENTER  
INCOMING MESSAGEG/6931  
H.FILED: 271645A  
PRIORITYPARAPHRASE UNNECESSARY  
SECRET

AFSC N 808/27

FROM: PENBASE

TO : CG MTCUSA

REF NO THIS MESSAGE: PENBASE 4726

27 December 1945

SECRET

Cite BPPCG.

Subject is restoration of Italian territory now under Allied Military Government and which becomes effective at 2400 hours on 31 December.

Because of crime increases, inadequate sentences or delay in trials by local Italian courts and general attitude of civilian population with respect to local Italian courts and officials request that Peninsular Base Section Area be considered a military zone insofar as court jurisdiction is concerned for trial of offenses by Italians involving United States Government property of United States personnel.

Retention of such court jurisdiction except for minor offenses which will be referred to Italian courts will aid materially in protection of United States Government property.

ACTION: G-3 (MTO)

INFORMATION: JAG C/S MTO G-1 G-4 G-5 AG

68.

PARAPHRASE UNNECESSARY  
MC IN 4777 27 Dec 1945 SECRET 2325A Ref No PENBASE-4726 rhr/

COPY NO. 17

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

AFHQ MESSAGE CENTER  
OUTGOING MESSAGE

G/6972

SECRET

PRIORITY

TO FOR ACTION : PENEASE

REF NO : F-57679

SIGNED : SACMED  
(CONGENME) (Instruction sent out 4 Jan. 46) CITY: FHGEG

Reference your radio 4726 dated 27 December 1945.

1. It is not necessary to declare any part of Italian Government territory to be a Military Zone in order that Allied Military Tribunals may be set up to try Italians who commit offences against allied personnel and property. The Supreme Allied Commander has the necessary powers to establish such Allied Military Tribunals or re-impose AMG anywhere in territory which has been handed over to Italian Government jurisdiction. Such powers will however be used only as a last resort and under conditions of emergency.

2. Your desire to retain Allied Military Tribunals is fully appreciated. Such a step however would be contrary to present policy of relinquishing military control of Italian administration and restoring responsibility for day to day administration to the Italian authorities. Your request is therefore not favorably considered.

3. Should you find in fact that Italian Tribunals and law enforcement agencies prove so inefficient as to jeopardize the safety of military personnel or property you should report the facts in order that corrective action may be taken. The Italian Government is being informed by separate action of the necessity for prompt justice in areas where allied interests are large.

AUTH: MARTIN E DAVY Major. <sup>67</sup>

ORIGINATOR : G-5

APPROVED BY: C/S.

|              |      |         |     |           |     |
|--------------|------|---------|-----|-----------|-----|
| INFORMATION: | SACS | C/S MTO | CAO | G-3(MTO)  | "A" |
|              | "Q"  | G-1     | G-2 | G-3(AFHQ) | G-4 |
|              | JAG  | **      |     |           |     |

MC OUT 51 3 Jan 46 SECRET 1427A Ref No F-57679. tc/G.

COPY NO. <sup>5</sup>

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

4011 ✓

A.C. ANC. a.

61A

XXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Cause riguardanti proprietà e personale  
alleati nei tribunali italiani.  
Sig. Procuratore Generale del Regno,  
Marche-Umbria, ANCONA.  
A.C. Ancona

11/12/4

22.10.45

1. Di fronte a molti rapporti ricevuti negli ultimi mesi dalla Polizia Militare Alleata rispetto ad arresti per reati contro proprietà e persone alleate, i rapporti che ci pervengono dai vari tribunali del Vostro circondario sono pochi; quindi rispetto a un gran numero di accusati non abbiamo alcuna informazione se il processo relativo sia stato celebrato dinanzi alle autorità giudiziarie italiane e con quale esito.
2. Richiamo perciò la Vostra attenzione sulle raccomandazioni fatte in precedenza dall'Ufficio Legale di questo Comando, perché siano mandati a quest'ufficio regolarmente e prontamente i rapporti dei vari tribunali sulle cause dell'A.M.G. celebrate.
3. Si raccomanda altresì che venga applicata la procedura direttissima, dovunque sia possibile, per affrettare la definizione dei processi.
4. Vogliate accusare il ricevimento della presente.

JWGS/AG

Copy to: Legal Sub-Commission, HQ A.C.

CJO

Italien Section

CLERS 26 Oct 45

*John W. Guthrie Squair*  
J.W. GUTHRIE SQUAIR, Capt. Int. Corps.  
Liaison Officer, ANCONA

66

26 OCT 1945

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4011/L.

ICB/lc.  
4 October 1945

SUBJECT : Allied Interest in Trials at Ancona.

TO : AFHQ, G-5 Section.

1. Reference your G-5:250.5-5 dated 21 September 1945.
2. In view of the shortage of legal officers, it is not intended to replace the departing AME legal liaison officer at Ancona.
3. Complaints and enquiries relating to cases in Italian courts affecting Allied Forces may be directed to the Ministry of Justice through the Allied Commission.

For the Chief Commissioner.

G. C. HANNAFORD,  
Lt. Col.,  
Deputy Chief Legal Advisor.

65

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

FTH/wew

G-5: 250.5-3

21 September 1945

SUBJECT: Allied Interest in Trials at Ancona.

TO : Headquarters, Allied Commission, APO 394.  
(Attention: Legal Sub-Commission)

1. Reference is to attached copy of letter of 6 September 1945 from 3 District concerning administration of justice by Italian courts in cases involving offenses against Allied personnel and property at Ancona.

2. In this connection, request that you advise:

a. Whether it is intended to replace the departing AMG legal liaison officer at Ancona;

b. If not:

(1) What channels may be used by Allied Forces in the area for inquiries relating to cases in the Italian courts affecting Allied Forces, and

(2) What alternative steps are considered practicable to insure that such cases are treated with efficacy and dispatch.

For Asst. Chief of Staff, G-5:

Incl:  
as above

*F. T. Hammond, Jr.*  
F. T. HAMMOND, JR.,  
Colonel, G.S.C.



|                |     |      |
|----------------|-----|------|
| 1              | 64  | CLN  |
| CLO            |     |      |
| DOLO           |     |      |
| Chief of Staff |     |      |
| CJO            |     |      |
| Colonel        |     |      |
| CL RGS         |     |      |
| 26             | SEP | 1945 |

C O P Y

SUBJECT: Allied Military Government - ANCONA.3 District  
Baseball 18  
6 Sep 45.

59A

A.F.H.Q.

Reference your G-1(Br)/4363/A-3 dated 31 Aug 45.

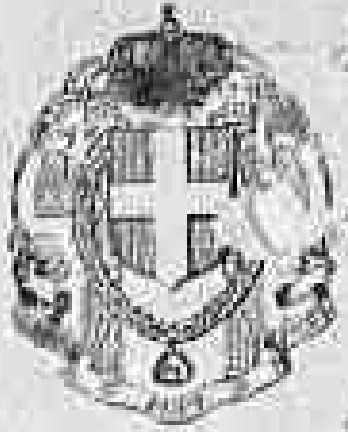
1. It is noted that until experience has shown that Italian Courts do not adequately protect Allied interests, any attempt to re-establish Allied Military Courts in ANCONA would be considered premature.
2. However, it is reported that when handing over to the Italian, Allied Military Government issued detailed instructions for the trial of offences committed against Allied personnel and property. A return of cases which had been decided was called for on 20 Aug 45. This return was received from the principal Local Court only, which appears to have tried no more than 3 cases, all of which date back to 11 May 45. The 11 accused involved in these cases were given suspended sentences which are considered most unsatisfactory especially as one case involved 8 personnel who were accused of being concerned in the theft of 600 kilos of margarine. The Legal Officer is appealing against the suspension.
3. During the period 4 - 18 Aug 45, 38 new cases were reported by CMP. Of these, 11 persons have been set at liberty, 11 released on bail, 13 not arrested and it is alleged that the remaining 3 reports have not been received.
4. The AMG Legal Liaison Officer was due to leave on Release on 29 Aug 45. In view of the conditions set out above which are most unsatisfactory, it is urged most strongly that an AMG Legal Liaison Officer be appointed to ANCONA as soon as possible in order to safeguard British interests when offences against Allied personnel and property are being tried.

/s/ ???? ??  
Maj-Gen  
Comd

63

JB.

Copy to:- 61 Area.



# MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali  
delle Grazie della Statistica e del Casellario*

Ufficio I° A.P. Roma 31 maggio 1945  
 Prot. N° 131.159.809/45  
 Risposta al f. N° AC/4011/L  
 del 13 maggio 1945 commissione Legale  
 OGGETTO: Cause riguardanti interessi alleati. R O M A

e  
Per conoscenza: All. UFFICIO COLLEGAMENTO  
S E D E

all. I 55A

In relazione al foglio sopra distinto, col quale codesta On. Sottocommissione, ha comunicato che, fintantochè il Governo Militare sarà mantenuto nel Comune di Ancona e in Toscana, l'Ufficiale Legale del Comune di Ancona e l'Ufficiale <sup>legale</sup> Regionale della Toscana funzioneranno come Ufficiali di collegamento per le materie legali tra le Forze Alleate e le Autorità Giudiziarie italiane, questo Ministero ha provveduto ad inviare ai <sup>primi</sup> Presidenti e ai Procuratori Generali delle competenti Corti di Appello, la nota della quale si acclude copia.

pel MINISTRO  
 (A. Spallanzani)

6 JUN 1945

*Noted.*

*7 June 45*

62



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI  
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Ufficio I° A.P.  
Prot. N. 131.159.809/45

Oggetto Cause concernenti interessi alleati.

Risposta all'Idol  
Dir. Sec. N.º

Roma, 25 maggio 1945 A+++

Alle LL.EE. I PRIMI PRESIDENTI e i PROCURATORI GENERALI delle Corti di Appello di FIRENZE - ANCONA IN TOSCANA e PERUGIA

A chiarimento della circolare n. 3052 del 21.4.45, si comunica che la Commissione Alleata - Sottocommissione Legale - ha reso noto a questo Ministero che, fintantochè il Governo Militare sarà mantenuto nel Comune di Ancona ed in Toscana, l'Ufficiale Legale del Comune di Ancona e l'Ufficiale Legale Regionale della Toscana funzioneranno come ufficiali di collegamento per le paterie legali tra le Forze Alleate e le Autorità Giudiziarie Italiane.

Le rispettive sfere di competenza di questi Ufficiali di collegamento sono:

Per l'Ufficiale Legale di Ancona: Le Autorità Giudiziarie dell'Umbria e delle Marche;

Per l'Ufficiale Legale della Toscana: le Autorità Giudiziarie di Siena, Grosseto ed Arezzo.

Ha aggiunto che gli elenchi delle cause concernenti interessi Alleati devono essere inviati mensilmente ai detti Ufficiali di collegamento, i quali si rivolgeranno al Procuratore Generale competente per una inchiesta, nel caso che gli elenchi non venissero loro forniti.

Questo Ministero prega le LL.EE. di rendere note le disposizioni surriferite ai dipendenti Uffici, e di vigilare affinché esse siano esattamente osservate.

Si gradirà un cortese cenno di assicurazione.

pel MINISTRO  
f.to Spallanzani

TER COPIA CONTORRE  
Roma, 11 24 maggio 1945

IL DIRETTORE CAPO DELL'UFFICIO IO AFFARI PENALI

*Ministero di Giustizia*

DIREZIONE GENERALE DEGLI AFFARI PENALI  
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

*Alle LL.BB. I PRIMI PRESI-  
DENTI e i PROCURATORI GENERALI delle Cor-  
ti di Appello di FIRENZE - ANCONA IN TO-  
LENTINO e PERUGIA*

*Ufficio* I<sup>o</sup> A.P.

*Prot. N. 131.159.809/45*

*Risposta all'Edel*

*Dir. Leg. M.*

Oggetto Cause concernenti interessi alleati.

A chiarimento della circolare n.3052 del 21.4.945, si comunica che la Commissione Alleata - Sottocommissione Legale - ha reso noto a questo Ministero che, fintantochè il Governo Militare sarà mantenuto nel Comune di Ancona ed in Toscana, l'Ufficiale Legale del Comune di Ancona e l'Ufficiale Legale Regionale della Toscana funzioneranno come ufficiali di collegamento per le patrie legali tra le Forze Alleate e le Autorità Giudiziarie Italiane.

Le rispettive sfere di competenza di questi Ufficiali di collegamento sono:

Per l'Ufficiale Legale di Ancona: Le Autorità Giudiziarie dell'Umbria e delle Marche;

Per l'Ufficiale Legale della Toscana: le Autorità Giudiziarie di Siena, Grosseto ed Arezzo.

Ha aggiunto che gli elenchi delle cause concernenti interessi Alleati devono essere inviati mensilmente ai detti Ufficiali di collegamento, i quali si rivolgeranno al Procuratore Generale competente per una inchiesta, nel caso che gli elenchi non venissero loro forniti.

Questo Ministero prega le LL.BB. di rendere note le disposizioni surriferite ai dipendenti Uffici, e di vigilare affinché esse siano esattamente osservate.

Si gradirà un cortese cenno di assicurazione.  
pel MINISTRO  
f.to Spallanzani

PER COPIA CONFORME

Roma, lì 24 maggio 1945

IL DIRETTORE CAPO DELL'UFFICIO I<sup>o</sup> AFFARI PENALI

*Rm*

HEAD QUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

C/4011/L.

/rlp.  
28 May 1945.

SUBJECT : Cases affecting Allied interests.

TO : H.E.. the Minister of Pardon and Justice.

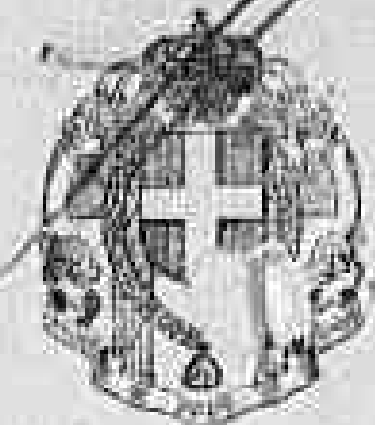
1. Reference is to Your Excellency's letter Uff. T° A.P.131.159.809/45 dated 24 May 1945 with copy of circular.

2. The following is the additional information required:

|                  |   |                                                 |
|------------------|---|-------------------------------------------------|
| UMBRINA-Region   | - | AC Liaison Officer, Ancona                      |
| ADRIATICO Region | - | " " " Bari                                      |
| LADISPOLI Region | - | " " " Allied Commission (Legal Sub-Commission). |

*ey*  
A. R. THACKRAH,  
Lt. Col.,  
Italian Branch,  
for Chief Legal Advisor.

fm



# MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali  
delle Grazie della Statistica e del Casellario*

Ufficio I° A.P.

Roma, 24 maggio 1945

Prot. N° 131.159.809/45

Risposta al f. N°

del 6 aprile 1945

ALLA COMMISSIONE ALLEATA - Sotto-  
commissione LegaleOGGETTO: Cause concernenti interessi al-  
leati.R O M A

e per conosco/

All'UFFICIO COLLEGAMENTO

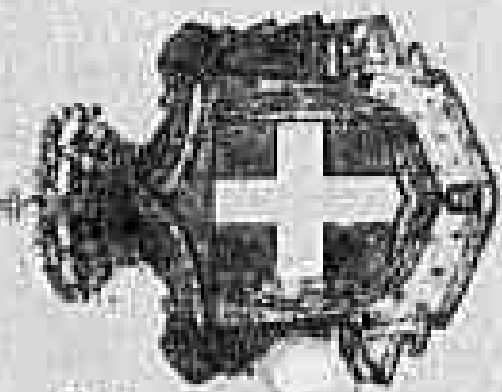
GABINETTO

In relazione al foglio sopra distinto, con il quale codesta On. Sottocommissione ha richiesto che fosse comunicato a tutti i Procuratori Generali che gli elenchi delle cause concernenti interessi Alleati devono ora essere inviati mensilmente all'Ufficiale di collegamento competente, invece che all'Ufficiale Legale della Commissione ~~Alleata~~, questo Ministero ha provveduto ad inviare ai Primi Presidenti e ai Procuratori Generali delle Corti di Appello la circolare, della quale si acclude copia.

Per altro si prega di voler indicare a quali uffici dovranno essere rimessi gli elenchi delle cause concernenti interessi alleati degli uffici giudiziari dei distretti di Roma e Aquila, dei quali non si fa menzione nella suddetta nota di codesta On. Sottocommissione.

pel MINISTRO 59  
(A. Spallanzani)

Recd. boja  
27 MAY 1945



Mod. 1348 M.C.

*Ministero di Grazia e Giustizia*

DIREZIONE GENERALE AFFARI PENALI

Uff. I<sup>o</sup> A.P.Prot. N<sup>o</sup> 131.159/809/1945Circolare N<sup>o</sup> 3053

Roma, 21 aprile 1945

ALLE LL. EE.  
I PRIMI PRESIDENTI

G

PROCURATORI GENERALI DELLE CORTI DI APPELLO DEL  
R E G N O

OGGETTO: Cause concernenti interessi alleati.

La Commissione Alleata - Sottocommissione Legale - ha reso noto a questo Ministero che, in relazione al ritiro degli Ufficiali della Commissione Alleata dal territorio restituito all'amministrazione italiana, in avvenire saranno mantenuti Ufficiali di Collegamenti come segue:

|          |   |                                                                                 |
|----------|---|---------------------------------------------------------------------------------|
| Sardegna | - | Province di Cagliari, Sassari, Nuoro.                                           |
| Palermo  | - | " Palermo, Trapani, Agrigento, Caltanissetta.                                   |
| Catania  | - | " Catania, Messina, Enna, Ragusa, Siracusa.                                     |
| Napoli   | - | " Napoli, Salerno, Benevento, Avellino, Campobasso, Cosenza, Catanzaro, Reggio. |
| Bari     | - | " Foggia, Bari, Brindisi, Lecce, Taranto, Matera, Potenza.                      |

Ha aggiunto che gli elenchi delle cause concernenti interessi Alleati devono ora essere inviati mensilmente all'Ufficiale di Collegamento competente invece che all'Ufficiale Legale della Commissione Alleata, come veniva praticato in precedenza, e che sono state già impartite disposizioni ai detti Ufficiali di Collegamento, affinché, nel caso che gli elenchi non venissero forniti, sieno da essi richiesti allo Ufficio di Procura Generale le ragioni del mancato invio.

Questo Ministero prega le LL. EE. di rendere note le disposizioni su riferite ai dipendenti Uffici, e di vigilare affinché esse siano esattamente osservate.

Si gradirà un cortese cenno di assicurazione.

Per copia conforme

PEL MINISTRO  
F/to L. Spallanzani

IL DIRETTORE DELL'UFFICIO

HEADQUARTERS ALLIED COMMISSION

APD 394

LEGAL SUB-COMMISSION

AC/4011/L.

WEB/pa.  
13 May 45.

SUBJECT : Cases affecting Allied interests.

TO : H. E. The Minister of Pardon and Justice.

1. Your Excellency is aware that with the termination of Military Government in the provinces restored to Italian administration on 10th May 1945, Military Government is nevertheless being maintained in Ancona Commune and in the remainder of Toscana Region.

2. So long as this situation continues, the legal officer in Ancona Commune and the Regional Legal Officer, Toscana Region will act as liaison officers in legal matters between the Allied Forces and the Italian Courts respectively concerned.

3. It would be appreciated if Your Excellency would cause notification to be made to all Procuratori Generali and Procuratori del Regno concerned that lists of cases affecting Allied interests should be submitted monthly to such liaison officers.

4. The respective spheres of interests of these liaison officers are :-

Legal Officer Ancona - All Courts in the compartment of Umbria and Marche.

Legal Officer Toscana - All Courts in Siena, Grosseto and Arezzo. 4 57

5. If the lists are not supplied to the liaison officers, they will approach the Procuratore Generale concerned for an investigation.

Copy to : R.C. (Attn: RIA) TOSCANA  
P.C. (Attn: PLO) Ancona

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

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54A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4011/L.

/rlp.  
8 April 1945.

SUBJECT : Cases affecting Allied interests.

TO : H.E., the Minister of Pardon and Justice.

1. Your Excellency is aware that Allied Commission officers are being withdrawn from Military Government Territory and that in future, Liaison Officers will be maintained as follows:

## SARDINIA

PALERMO - Provinces of Palermo, Trapani, Agrigento, Caltanissetta.

CATANIA - " " Catania, Messina, Enna, Ragusa, Siracusa.

NAPLES - " " Naples, Salerno, Benevento, Avellino, Campobasso, Cosenza, Catanzaro, Reggio.

BARI - " " Foggia, Bari, Brindisi, Lecce, Taranto, Matera, Potenza.

2. It would be appreciated if Your Excellency would cause notification to be made to all Procuratori Generali and Procuratori del Regno that lists of cases affecting Allied interests should now be submitted monthly to the Liaison Officer concerned instead of to the Allied Commission Legal Officer as was the former practice.

3. Liaison Officers have been instructed that if these lists are not supplied they are to approach the Procuratore Generale concerned for an investigation.

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

Copy to, File AC/4135/L.

1 56

→ Transferred to 4058/2/L

→ Territory returned to  
Italian administration - (Militarized zone)

(53A)  
FROM : Colonel, W.E. BRYDEN.

LEGAL SUB-COMMISSION

HEADQUARTERS

ALLIED COMMISSION

A P O 394

AG/4011/L

14 February 1945.

Dear,

I must apologise to you over the letter which I wrote to Dawson upon DIL 194. Civil Affairs Section passed to me, for information, your letter of the 2nd Feb in reply to Brig. Upjohn's. I pointed out that I had not previously been informed of any complaints against DIL 194 from other areas than Bari or in theft cases. In order to prevent a recurrence I suggested that I should get particulars from Dawson without troubling you.

I assure you that no discourtesy was intended in not getting Brig. Upjohn to sign the letter. I was hoping to write to Dawson direct for the technical information I required and thereby save you trouble.

Yours,

Brigadier J. K. DUNLOP  
Regional Commissioner,  
SOUTHERN Region.

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4011/L.

WEB/pa.  
6 Feb 45.

SUBJECT : Italian Legal Procedure.

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

1. Civil Affairs Section has referred R/1573 of 2 Feb 45 to this Sub-Commission.

2. That letter and your monthly report for January 1945, which arrived the same day, were the first indication received by this Sub-Commission of any complaints against the granting of conditional liberty in the Naples and Salerno areas in cases of stealing from depots. One complaint only had been received from 56 Area and this concerned prostitution.

3. It is understood from your monthly report that the effect of your unremitting efforts combined with your persuasive tongue has been to leave a constant trail of collaboration in the wake of your visits, and it is felt therefore that when you have time to visit the errant tribunals concerned in this case you will have no difficulty in restoring harmony from the present discord.

4. It is further understood that both the Primo Presidente and the Procuratore Generale at Naples are most cooperative. Have they not taken up the complaints with the Courts concerned?

5. In any event, please send some instances where conditional liberty has been granted in cases of this kind so that the Ministry may be approached in this matter.

By command of Rear Admiral STONE :

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

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4011/L.

5 February 1945.

SUBJECT : Italian Legal Procedure.

TO : Regional Commissioner, SOUTHERN REGION.

1. Reference your R/1573 of 2 Feb 45.
2. It is noted with regret that the Ministerial Circular referred to in para.4 of this Sub-Commission's letter AC/4011/L of 30 Jan 45 did not arrive. A further copy is attached hereto.

By command of REAR ADMIRAL STONE.

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Encl.

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

HEADQUARTERS  
SOUTHERN REGION, ALLIED COMMISSION  
OFFICE OF THE REGIONAL COMMISSIONER  
APO 594

R/1573

2 February 1945

SUBJECT: Italian Legal Procedure.

TO:

Headquarters, Allied Commission  
(CIVIL AFFAIRS SECTION).Reference your AC/4011/L<sub>1</sub> of 30 January 1945.

1. I am obliged to you for your careful explanation in the matter DLL No. 194 and for the action which you are taking to improve the Italian Legal personnel in Bari.

2. I am however somewhat at a loss to understand how you gained from our correspondence the impression that we are chiefly concerned with the state of affairs at Bari; there is certainly no reference to this in our R/1299 of 22 January 1945. In point of fact the whole weight of recent complaints has come from 58 Area, Naples, and from 94 Sub-Area at Salerno, and have been concerned with thieving from Allied Ordnance Depots and not with cases concerning prostitution. In other words, although you have apparently received satisfactory reports from other regions, I do wish to assure you, that the decree is regarded as unsatisfactory over the whole of Southern Region.

3. The Ministerial Circular referred to in your paragraph 4 was not in fact attached to your letter and therefore I am not able to judge ~~over~~ its effect. I am not quite clear whether the warrants of arrest referred to in the second sentence of your paragraph 4 do in fact automatically preclude the granting of provisional liberty under the terms of Circular 194.

4. I have read with care the argument put forward by you in paragraph 5. It does appear to me that there are de facto differences between stealing of Allied property or the contravention of, for example, Allied police regulations regarding traffic circuits and offenses against the ordinary Italian decrees.

5. Of course, I accept your ruling in this matter. It is one where we must agree to differ. In my position as Regional Commissioner, I have considered it necessary to bring the matter to your notice and I remain of the opinion expressed in my paragraphs 4 and 5 of R/1299 of 22 January 1945.

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*J. K. Dunlop*  
J. K. DUNLOP,  
Brigadier,  
Regional Commissioner.

JKD/jh  
Copy

REGIONAL SUB-COMMISSION

CLO

Legal  
(50A)

Headquarters, Allied Commission  
(CIVIL AFFAIRS SECTION).

Reference your AC/4011/L of 30 January 1945.

1. I am obliged to you for your careful explanation in the matter DLL No. 194 and for the action which you are taking to improve the Italian legal personnel in Bari.

2. I am however somewhat at a loss to understand how you gained from our correspondence the impression that we are chiefly concerned with the state of affairs at Bari; there is certainly no reference to this in our R/1298 of 22 January 1945. In point of fact the whole weight of recent complaints has come from 56 Area, Naples, and from 94 Sub-Area at Salerno, and have been concerned with stealing from Allied Ordnance Depots and not with cases concerning prostitution. In other words, although you have apparently received satisfactory reports from other regions, I do wish to assure you, that the decree is regarded as unsatisfactory over the whole of Southern Region.

3. The Ministerial Circular referred to in your paragraph 4 was not in fact attached to your letter and therefore I am not able to judge ~~over~~ its effect. I am not quite clear whether the warrants of arrest referred to in the second sentence of your paragraph 4 do in fact automatically preclude the granting of provisional liberty under the terms of Circular 194.

4. I have read with care the argument put forward by you in paragraph 5. It does appear to me that there are de facto differences between stealing of Allied property or the contravention of, for example, Allied police regulations regarding traffic circuits and offenses against the ordinary Italian decrees.

5. Of course, I accept your ruling in this matter. It is one where we must agree to differ. In my position as Regional Commissioner, I have considered it necessary to bring the matter to your notice and I remain of the opinion expressed in my paragraphs 4 and 5 of R/1298 of 22 January 1945.

J. K. DUNLOP,  
Brigadier,  
Regional Commissioner.

JKD/jh  
Copy

|                        |   |
|------------------------|---|
| FEDERAL SUB-COMMISSION |   |
| CLO                    | ✓ |
| Chief Counsel          | ✓ |
| CJO                    | ✓ |
| Italian Section        | ✓ |
| CL 2KS                 |   |
| 4 FEB 1945             |   |

RECEIVED

3 FEB 1945

4. C.

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

49A

AC/LOM/L.

/pa.  
30 January 1945.

SUBJECT : Italian Legal Procedure.

TO : Regional Commissioner, SOUTHERN Region.

1. The problems raised in your R/4298 of 22 Jan 45 have been considered.

2. While the difficulties created in Bari by the operation of D.L. No. 194 are fully appreciated there can be no doubt that from the prison point of view, this decree serves a most useful purpose. It was in fact passed at the express request and with the full approval of this Sub-Commission.

3. The decree has in general been accepted as satisfactory and the complaints of its operation appear to come almost exclusively from Bari. In these circumstances it is not unreasonable to think that the difficulties are created more by the local personnel who are charged with the administration of the decree than by the actual contents of the decree itself. The Minister of Justice is taking steps to remedy this personnel situation. A new Primo Presidente and Procuratore Generale of the Court of Appeal are in course of proceeding to Bari and from his personal knowledge of the magistrates concerned, the Minister of Justice has given an assurance to this Commission that complaints of this nature will be remedied. The Minister is also taking steps to remove one or two of the junior magistrates whose decisions have given rise to criticism.

4. In addition the Minister has issued the circular of which a copy is attached. This circular goes further than to set out the view of the Italian Government on the scope and meaning of D.L. No. 194. It points out that judicial authorities have failed in the past to use their power to issue warrants of arrest in the case of offences to the prejudice of Allied interests and directs that such power should be used in the future. The combined effect of this circular and the new personnel in the Bari region should be sufficient to remove the causes for complaint.

5. Your suggestions that D.L. No. 194 should be rendered inoperative in Allied interest cases is in the opinion of this Commission difficult of fulfillment. It does not appear feasible to ask the Italian Government to issue a decree which would have the effect of making a public and official differentiation, to the prejudice of the Italian people, between offences committed against the Italian Government and those committed against a co-belligerent power. It is believed that the Italian Government would rightly refuse to consider any such suggestion. The circular issued by

Sent  
also  
at  
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the Ministry of Justice does make a distinction in favour of Allied interest cases and directs the courts to use their discretion so as to observe this distinction. It is difficult to see how the Italian Government can reasonably be asked to go further.

6. It is to be observed that complaints against this decree are based predominantly upon cases where the accused is charged with prostitution. It is the opinion of this Commission that the remedy for these cases lies in unit discipline rather than in action through the courts.

By command of Rear Admiral STONE :

*G. R. V.*  
G. R. VANCE, Brig.  
VP CA Sec  
Dep CCS AG

Incl.

1. 50

HEADQUARTERS  
SOUTHERN REGION, ALLIED COMMISSION  
OFFICE OF THE REGIONAL COMMISSIONER  
APO 394

23 JAN 1945

R/ 1298

22 January 1945

SUBJECT: Italian Legal Procedure.

TO: Headquarters, Allied Commission  
(CHIEF OF STAFF) (2 copies)

JAN 25 1945

1. We are receiving a certain amount of complaint and criticism from Allied formations, both American and British, on the working of the Italian system of suspended sentences and the granting of provisional liberty both before and after trial. I know that the Regional Legal Officer has already taken up this matter with the Legal-Sub-Commission.

2. I am writing this for the Chief of Staff's attention because I believe the matter is one of importance in connection with any proposed reduction in the Allied Commission representation in South Italy.

3. I understand that the difficulty arises through the interpretation by the courts of the general operation of a Royal Decree No. 194 of 10 August 1944. I believe this decree was first produced largely at the instance of the Public Safety Sub-Commission, in order to reduce the very heavy strain on prison accommodation. The practical effect of this decree is to increase considerably the number of persons who can continue at liberty by the simple expedient of filing an appeal against a sentence of imprisonment. Such an appeal may, in certain cases, be carried as far as the Court of Cassation. Until the appeal has been heard and decided, the execution of any sentence of imprisonment is suspended.

4. You will appreciate that Allied Provost Marshals and local Commanders do not take kindly to the fact that men, arrested at their instance on good grounds, may be seen shortly thereafter strolling free about the streets on provisional liberty pending an appeal which may take months to hear.

5. In the interests of smooth working between Allied Military organisations and the Italian Government in the days when Allied Commission officers may be very few in Southern Italy, I urge that the strongest representations be made forthwith to the Italian Government to overhaul the procedure under decree No. 194. The Regional Legal Officer informs me, that the Italian Government are preparing instructions setting forth its views on the scope and meaning of this decree. I submit for your consideration, however, that the present complaints can only be satisfactorily met by making 194 inoperative in all cases affecting Allied interests.

J. K. DUNLOP,  
Brigadier,  
Regional Commissioner.

JKD/jh/ww

Copy to: Legal Div, S.R.  
Public Safety Div, S.R.

TO: Headquarters, Allied Commission  
(CHIEF OF STAFF) (2 copies)

1. We are receiving a certain amount of complaint and criticism from Allied formations, both American and British, on the working of the Italian system of suspended sentences and the granting of provisional liberty both before and after trial. I know that the Regional Legal Officer has already taken up this matter with the Legal-Sub-Commission.

2. I am writing this for the Chief of Staff's attention because I believe the matter is one of importance in connection with any proposed reduction in the Allied Commission representation in South Italy.

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4. You will appreciate that Allied Provost Marshals and local Commanders do not take kindly to the fact that men, arrested at their instance on good grounds, may be seen shortly thereafter strolling free about the streets on provisional liberty pending an appeal which may take months to hear.

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J. K. DUNLOP,  
Brigadier,  
Regional Commissioner.

JKD/jh/wv

Copy to: Legal Div, S.R.  
Public Safety Div, S.R.  
File (2 copies)

COS DIS - 25 Jan 45

Action: C-A-S-E

INFO: COS

RECEIVED

74 JAN 1945

A. C.

633

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4011/L

/mt.  
20 January 1945.

SUBJECT : Circulars of Ministry of Pardon and Justice - Offences  
against Allied interests and prostitution.

TO : (See Distribution list).

Attached for your information are the Italian texts and English translations of the following two circulars which have been directed by the Ministry of Pardon and Justice to the First Presidents and Procuratori Generali of Courts of Appeal:

- a. Circular No. 2989: Issuance of warrant of arrest and use of the power to grant provisional liberty in proceedings for offences committed to <sup>the</sup> prejudice of Allied Forces.
- b. Circular No. 2988: Use of the power to grant provisional liberty in proceedings for offences concerning prostitution.

2 Incls:

- Incl. 1 - Circ. No. 2989 and Eng. translation  
Incl. 2 - Circ. No. 2988 and Eng. translation.

A. R. THACKRAH,  
Lt. Col.,  
Italian Branch,  
for Chief Legal Advisor.

## DISTRIBUTION LIST:

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RC (Attn: RLO) LIGURIA Region 6  
RC (Attn: RLO) LOMBARDIA Region 12  
RC (Attn: RLO) VENEZIA Region 17  
SCAO (Attn: Legal Officer) AMG 5th Army 1  
SCAO AMG 8th Army 1

Copy to:

File AC/4104/18/L  
File AC/4028/L

48

TRANSLATION

47B

MINISTRY OF PARDON AND JUSTICE  
Office of the Director General  
for Penal matters

Rome, 16 January 1945

Off. I.M.P.  
Prot. No. 131.12/207 Fasc. Gen.  
Circular No. 2988

TO:  
Their Excellencies First Presidents of  
Courts of Appeal  
Prosecutors General of Courts of Appeal of  
the Kingdom.

SUBJECT : Use of the power to grant provisional liberty in proceedings for offences concerning prostitution.

This Ministry has had occasion to point out that the prevention of certain offences, particularly of those concerning prostitution, is considerably impeded by the at times excessive use of the power to grant provisional liberty in the relative proceedings.

The legislator recently intervened in the repression of the phenomenon of prostitution, which at the present time is assuming increasingly serious proportions due to the commonly known sad social situation, by enacting the D.L. No. 323 of 12 Oct 1944 thereby effecting a timely increase in the penalties for offences established in this field by the Consolidated Text of the Public Safety Laws.

It is advisable that then rigorous criterion indicated by the legislator himself be followed by the judicial authority in each case where the option to grant provisional liberty is to be exercised in proceedings involving the offences under consideration; and particularly so in cases in which a sentence of conviction has already been rendered by the court of first instance and appeal lodged against it.

Furthermore, whenever it is decided to accord the benefit of provisional liberty, it would be advisable, always in the interest of the prevention of crime, to exercise frequently and carefully the power authorized by 2nd part of Art. 282 Code of Penal Procedure to forbid the persons accused of prostitution or of inducement remaining in localities visited by military personnel.

It would be appreciated if your Excellencies would kindly issue the necessary instructions in this matter to the subordinate offices, advising the Ministry accordingly.

THE MINISTER  
(sgd) Tupini

47

MINISTERO DI GRAZIA E GIUSTIZIA  
Direzione Generale degli Affari Penali

Uff. I A.P.  
Prot. No. 131.12/207 Fasc. Gen.  
CIRCOLARE N. 2988

Roma, li 16 gennaio 1945

Alle LL. EE.  
I PRIMI PRESIDENTI DELLE CORTI DI APPELLO  
I PROCURATORI GENERALI PRESSO LE CORTI  
DI APPELLO 1-1

R E G I O

**OGGETTO:** Uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati concernenti la prostituzione.

Questo ministero ha avuto occasione di rilevare come la prevenzione di taluni reati, e segnatamente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smodato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

Contro il fenomeno della prostituzione, che attualmente, per la ben nota triste situazione sociale, dilaga in modo impressionante, il Legislatore è di recente intervenuto, con il D.L.L. 12.10.1944, n. 323; il quale ha opportunamente inasprito le sanzioni relative ai reati previsti, nelle suddette materie, dal T.U. delle leggi di P.S.

Questo criterio di rigore, indicato dallo stesso Legislatore, è opportuno sia seguito dall'Autorità Giudiziarla ogni qual volta debba fare uso della facoltà di concedere la libertà provvisoria, nei procedimenti che abbiano per oggetto uno dei reati in questione. Ciò specialmente nel caso in cui sia già intervenuta una sentenza di condanna di primo grado e vi sia stata impugnazione.

Sarebbe inoltre opportuno, sempre ai fini della prevenzione penale, che, qualora si decidesse di concedere il beneficio, si facesse un uso frequente ed oculato della facoltà sancita dal 2° comma dell'art. 282 C.P.P. vietando alle persone imputate di prostituzione o di adescamento al libertinaggio, di dimorare nelle località frequentate da militari.

Si gradirebbe che le VV. EE. volessero compiacersi di impartire in proposito le opportune direttive agli Uffici dipendenti, dandone assicurazione a questo ministero.

IL MINISTRO

f.to Tupini

## TRANSLATION

47c

MINISTRY OF PARDON AND JUSTICE  
Office of the Director General  
for Penal Matters.

Rom - 16 January 1945.

OFF. I. A. P.  
Prot. No. 131.12/207 Fasc. Gen.  
Circular No. 2989

TO:

Their Excellencies First Presidents of  
Courts of Appeal  
Prosecutors General at the Courts of  
Appeal of the Kingdom.

SUBJECT : Issuance of warrant of arrest and use of the power to grant  
provisional liberty in proceedings for offences committed  
to the prejudice of Allied Forces.

This Ministry has pointed out on several occasions that in proceedings involving offences committed to the prejudice of Allied Forces in respect of which the issuance of a warrant of arrest is optional only, according to Art. 5 of D.L.L. No. 194 of 10 August 1944, the judicial authority has failed to use such power.

The present contingencies, however, which emphasize the necessity for intensifying in all possible ways the war effort against the common enemy, require that the aforesaid offences be prosecuted with the maximum rigor authorized by law.

It would, therefore, be advisable that the judicial authority in exercising its discretionary power to issue warrants of arrest in such cases, should follow this concept of rigor counselled by the present political situation.

Analogous concepts of severity intended particularly to prevent the relapse of the same offences, should be followed in the exercise of the power to grant provisional liberty.

In this respect if application is made for provisional liberty pending the proceedings on appeal, in evaluating the advisability of granting the liberty, consideration should be given, not only to the interests injured by the offence, but also to its nature and type and to the personality of the accused as prescribed by law, taking into account also the result of the proceeding in the Court of first instance.

It would be appreciated if Your Excellencies would kindly issue the necessary instructions in this matter to the subordinate offices advising this Ministry accordingly.

THE MINISTER 46  
(sgd) Tupini

MINISTERO DI GIUSTIZIA  
Direzione Generale degli Affari Penali

Uff. I A.P.  
Prot. n. 131.12/207 Fasc. Gen.  
CIRCOLARE N. 2989

Roma, 11:16 gennaio 45

Alle LL. EE.  
I PRIMI PRESIDENTI DELLE CORTI D'APPELLO  
e  
I PROCURATORI GENERALI presso le Corti  
d'APPELLO del

R E G N O

OGGETTO: Emissione di mandato di cattura ed uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati commessi in danno delle Forze Alleate.

Questo Ministero ha avuto talvolta occasione di rilevare come, nei procedimenti commessi in danno delle FF. M., in ordine ai quali la emissione del mandato di cattura sia soltanto facoltativa, ai sensi dell'art. 5 del D.L.L. 10.8.1944, n. 194, l'Autorità Giudiziaria non abbia fatto uso di tale facoltà.

Le attuali contingenze, viceversa, che mettono in rilievo la necessità di potenziare in tutti i modi possibili lo sforzo bellico contro il comune nemico, impongono che i reati suddetti siano perseguiti con il massimo rigore consentito dalla legge.

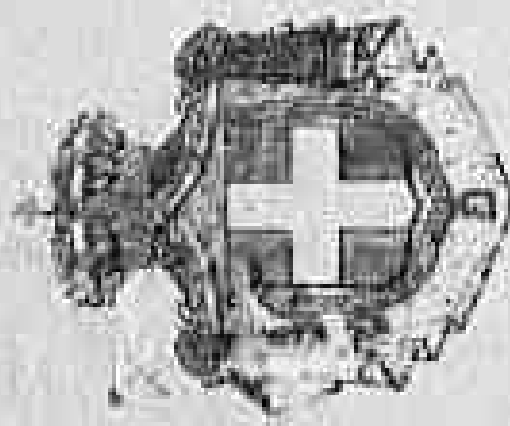
Sarebbe quindi opportuno che l'Autorità Giudiziaria, nell'esercizio della sua facoltà di emettere, in tali casi, il mandato di cattura, sia guidata da questo criterio di rigore, consigliato dall'attuale situazione politica.

Analoghi criteri di severità, intesi al fine di prevenire particolarmente la recidiva nel medesimo reato, dovrebbero essere seguiti nell'uso della facoltà di concedere la libertà provvisoria.

Al riguardo, ove la libertà provvisoria sia richiesta nelle more del giudizio di appello, l'opportunità o meno di concederla deve essere valutata, oltre che alla stregua degli interessi offesi dal reato, della natura e specie di questo e della personalità dell'imputato, come la legge prescrive, anche tenendo presente i risultati del giudizio di primo grado.

Si gradirebbe che le LL. VV. volessero compiacersi di dare in proposito le opportune direttive agli uffici dipendenti, dandone assicurazione a questo Ministero.

IL MINISTRO  
f.to Tupini



20 4011

Mod. 1348 MC.

*Ministero di Grazia e Giustizia*

46A

Uff. I.º A.P.

Prot. n. 131.12/207 Fasc. Gen.

CIRCOLARE N. 2988

DIREZIONE GENERALE DEGLI AFFARI PENALI

Roma, 11 gennaio

Alle LL. EE.

I PRIMI PRESIDENTI DELLE CORTI DI APPELLO

e

I PROCURATORI GENERALI PRESSO LE CORTI D'APPELLO

del

R E G N O

**OGGETTO:** Uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati concernenti la prostituzione.

Questo Ministero ha avuto occasione di rilevare come la prevenzione di taluni reati, e segnatamente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smodato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

Contro il fenomeno della prostituzione, che attualmente, per la ben nota triste situazione sociale, allaga in modo impressionante, il Legislatore è di recente intervenuto, con il D.L. 12.10.944 n. 323, il quale ha opportunamente inasprito le sanzioni relative ai reati preventi, nella soggetta materia, dal T.U. delle leggi di P.S.

Questo criterio di rigore, indicato dallo stesso Legislatore, è opportuno sia seguito dall'Autorità Giudiziaria ogni qual volta debba fare uso della facoltà di concedere la libertà provvisoria, nei procedimenti che abbiano per oggetto uno dei reati in questione. Ciò specialmente nel caso in cui sia già intervenuta una sentenza di condanna al primo grado e vi sia stata impugnazione.

Sarebbe inoltre opportuno, sempre ai fini della prevenzione penale, che, qualora si decida di concedere il beneficio, si facesse un

UFF. I° A.P.

Prot.n. 131.12/207 fasc.Gen.

CIRCOLARE N.2988

Roma, 11 gennaio

Alle LL.EE.

I PRIMI INDIRIZZI DELLE CORTI DI APPELLO

e

I PROCURATORI GENERALI PRESSO LE CORTI D'APPELLO

del

R E G N O

OCCORRENZA: Uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati concernenti la prostituzione.

Questo Ministero ha avuto occasione di rilevare come la prevenzione di taluni reati, e segnatamente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smouato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

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Questo criterio di rigore, indicato dallo stesso Legislatore, è opportuno sia seguito dall'Autorità Giudiziarla ogni qual volta debba fare uso della facoltà di concedere la libertà provvisoria, nei procedimenti che abbiano per oggetto uno dei reati in questione. Ciò specialmente nel caso in cui sia già intervenuta una sentenza di condanna al primo grado e vi sia stata impugnazione.

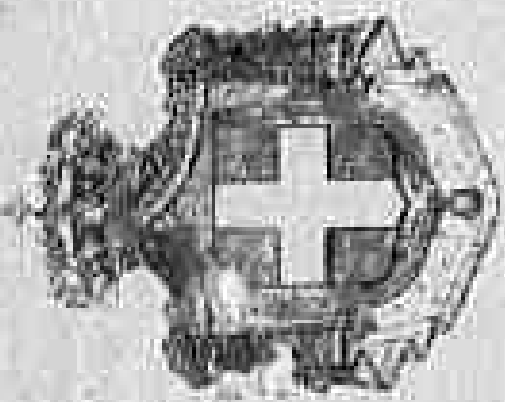
Sarebbe inoltre opportuno, sempre ai fini della prevenzione penale, che, qualora si decida di concedere il beneficio, si facesse un

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uso frequente ed oculto della facoltà sancita del 2° comma dell'art. 282 C.P.P., vietando alle persone imputate di prostituzione o di adescamento al libertinaggio, di dimorare nelle località frequentate da militari.

Si gradirebbe che le VV.LL. volessero compiacersi di impartire, in proposito le opportune direttive agli Uffici alpini, onde ne assicurazione a questo Ministero.

IL MINISTRO



# Ministero di Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI

Uff. I<sup>o</sup> A.P.

Prot. n. 131.12/207 Fasc. Gen.

CIRCOLARE N. 2989

Roma, 11 gennaio 1945

Alle LL. RR.

I PRIMI PRESIDENTI delle Corti d'Appello

e

I PROCURATORI GENERALI presso le Corti d'Appello del

R E G N O

**OGGETTO:** Emissione di mandato di cattura ed uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati commessi in danno delle Forze Alleate.

Questo Ministero ha avuto talvolta occasione di rilevare come, nei procedimenti commessi in danno delle FF. AA., in ordine ai quali la emissione del mandato di cattura sia soltanto facoltativa, ai sensi dell'art. 5 del D.L.L. 10.8.1944 n. 194, l'Autorità Giudiziarie non abbia fatto uso di tale facoltà.

Le attuali contingenze, viceversa, che mettono in rilievo la necessità di potenziare in tutti i modi possibili lo sforzo bellico contro il comune nemico, impongono che i reati suddetti siano perseguiti con il massimo rigore consentito dalla legge.

Sarebbe quindi opportuno che l'Autorità Giudiziarie, nell'esercizio della sua facoltà di emettere, in tali casi, il mandato di cattura, sia guidata da questo criterio di rigore, consigliato dall'attuale situazione politica.

44

Analoghi criteri di severità, intesi al fine di prevenire particolarmente la recidiva nel medesimo reato, dovrebbero essere seguiti nell'uso della facoltà di concedere la libertà provvisoria.

Al riguardo, ove la libertà provvisoria sia richiesta nelle more del giudizio di appello, l'opportunità o meno di concederla deve essere valutata, oltre che alla stregua degli interessi offesi dal reato, della

UFF. I.° A.P.

Prot. n. 131.12/207 Fasc. Gen.

CIRCOLARE N. 2989

Roma, 11 gennaio 1945

Alle LL. MM.

I PRIMI PRESIDENTI delle Corti d'Appello

e

I PROCURATORI GENERALI presso le Corti d'Appello del

R E G N O

**OGGETTO:** Emissione di mandato di cattura ed uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati commessi in danno delle Forze Alleate.

Questo Ministero ha avuto talvolta occasione di rilevare come, nei procedimenti commessi in danno delle F.F.A.A., in ordine ai quali la emissione del mandato di cattura sia soltanto facoltativa, ai sensi dell'art. 5 del D.L.L. 10.8.1944 n. 194, l'Autorità Giudiziaria non abbia fatto uso di tale facoltà.

Le attuali contingenze, viceversa, che mettono in rilievo la necessità di potenziare in tutti i modi possibili lo sforzo bellico contro il comune nemico, impongono che i reati succetti siano perseguiti con il massimo rigore consentito dalla legge.

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Al riguardo, ove la libertà provvisoria sia richiesta nelle more del giudizio di appello, l'opportunità o meno di concederla deve essere valutata, oltre che alla stregua degli interessi offesi dal reato, nella

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natura e specie di questo e della personalità dell'imputato, come la legge prescrive, anche tenendo presente i risultati del giudizio di primo grado.

Si gradirebbe che le LL.VV. volessero compiacersi di dare in proposito le opportune direttive agli uffici dipendenti, uandone assicurazione a questo Ministero.

IL MINISTRO

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4011/L.

/rlp  
18 January 1945

SUBJECT : Offences Against Allied interests and Prostitution.  
TO : Regional Commissioner (A ttn: Regional Legal Officer),  
SOUTHERN Region.

1. You will find enclosed the two circulars referred to in previous correspondence. The translation has followed the text closely and does not read too well; it is however accurate. On the whole, the Minister appears to have done his best in the light of the memorandum on the subject, a copy of which you already have.

2. As you say your problems are fully appreciated here, but it is sometimes difficult to obtain for you all the help you are undoubtedly entitled to.

By command of Rear Admiral STONE,

G. G. HANNAFORD,  
Lt. Col.,  
Officer i/c Italian Branch,  
for Chief Legal Adviser.

2 Incls,  
Incl 1 - Circ No. 2988 and translation sgd Min Tupini  
Incl 2 - Circ No. 2989 and translation sgd Min Tupini  
Copy to: AC/4028/L - AC/4104/18/L.

C O P I AMINISTERO DI GRAZIA E GIUSTIZIA  
Direz. Generale degli Aff. Penali

45B

Roma, 11 gennaio 1945

Uff. I -A.P.  
Prot. n. 131.12/207 Fasc. Gen.

CIRCOLARE N; 2989

Alle LL. EE.  
I PRIMI PRESIDENTI DELLE CORTI D'APPELLO  
e  
I PROCURATORI GENERALI PRESSO LE CORTI D'APPELLO  
DEL REGNOOGGETTO: Emissione di mandato di cattura ed uso della facoltà  
di concedere la libertà provvisoria, nei procedimenti  
per reati commessi in danno delle Forze Alleate.

Questo Ministero ha avuto talvolta occasione di rilevare  
come, nei procedimenti commessi in danno delle FF. AA., in ordi-  
ne ai quali la emissione del mandato di cattura sia soltanto  
facoltativa, ai sensi dell'art. 5 del D.L.L. 10.8.1944, n. 194,  
l'Autorità Giudiziaria non abbia fatto uso di tali facoltà.

Le attuali contingenze, viceversa, che mettono in rilievo  
la necessità di potenziare in tutti i modi possibili lo sforzo  
bellico contro il comune nemico, impongono che i reati suddetti  
siano perseguiti con il massimo rigore consentito dalla legge.

Sarebbe quindi opportuno che l'Autorità Giudiziaria, nel-  
l'esercizio della sua facoltà di emettere, in tali casi, il man-  
dato di cattura, sia guidata da questo criterio di rigore, con-  
sigliato dall'attuale situazione politica.

Analoghi criteri di severità, intesi al fine di prevenire  
particolarmente la recidiva nel medesimo reato, dovrebbero es-  
sere seguiti nell'uso della facoltà di concedere la libertà prov-  
visoria.

Al riguardo, ove la libertà provvisoria sia richiesta nelle  
more del giudizio di appello, l'opportunità o meno di concederla  
deve essere valutata, oltre che alla stregua degli interessi  
offesi dal reato, della natura e specie di questo e della persona-  
lità dell'imputato, come la legge prescrive, anche tenendo pre-  
sente i risultati del giudizio di primo grado.

Si gradirebbe che le EE. VV. volessero compiacersi di dare  
in proposito le opportune direttive agli uffici dipendenti,  
dandone assicurazione a questo Ministero.

I L M I N I S T R O

MINISTERO DI GRAZIA E GIUSTIZIA  
Direz. Generale degli Affari Penali

Uff. I° A.P.

Roma, 11 gennaio

Prot. n. 131.12/207 Fasc. Gen.

CIRCOLARE N. 2988

Alle LL. EE.  
I PRIMI PRESIDENTI DELLE CORTI DI APPELLO  
e  
I PROCURATORI GENERALI PRESSO LE CORTI  
DI APPELLO DEL REGNO

OGGETTO: Uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati concernenti la prostituzione.

Questo Ministero ha avuto occasione di rilevare come la prevenzione di taluni reati, e segnatamente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smodato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

Contro il fenomeno della prostituzione, che attualmente, per la ben nota triste situazione sociale, dilaga in modo impressionante, il legislatore è di recente intervenuto, con il D.L.L. 12.10.944, n. 323, il quale ha opportunamente inasprito le sanzioni relative ai reati preveduti, nella soggetta materia, dal T.U. delle leggi di P.S.

Questo criterio di rigore, indicato dallo stesso legislatore, è opportuno sia seguito dall'Autorità Giudiziaria ogni qual volta debba fare uso della facoltà di concedere la libertà provvisoria, nei procedimenti che abbiano per oggetto uno dei reati in questione. Ciò specialmente nel caso in cui sia già intervenuta una sentenza di condanna di primo grado e vi sia stata impugnazione.

Sarebbe inoltre opportuno, sempre ai fini della prevenzione penale, che, qualora si decida di concedere il beneficio, si facesse un uso frequente ed oculato della facoltà sancita dal 2° comma dell'art. 282 C.P., vietando alle persone imputate di prostituzione o di adescamento al libertinaggio, di dimorare nelle località frequentate da militari.

Si gradirebbe che le VV. EE. volessero compiacersi di impartire in proposito le opportune direttive agli uffici dipendenti, dando assicurazione a questo Ministero.

I L M I N I S T R O

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

44A

AG/102/15/L

16 January 45.

SUBJECT : Circulars on cases involving offences against Allied interests and prostitution.

TO : H. E. the Minister of Pardon and Justice.

1. The content of the circulars Prot. No. 131.12/207 has been noted.

2. Enclosed please find two memoranda containing some minor suggestions based on most recent information received from Naples and Bari the consideration of which with a view of their inclusion in the circulars would be appreciated.

Copy to: AG/4026/L  
AG/4011/L

G. G. HANNAFORD,  
Lt. Col.,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION  
AFD 394  
LEGAL SUB-COMMISSION

AC/4028/A.

ES/ap.  
9 January 1945.

SUBJECT : Prostitution and Allied interest cases  
at Bari. First Pretore Cav. APICELLA.

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

1. Reference is made to your L-3007 of 29 Dec 44 forwarding the letter No. BZ/LEG/2/6125 of the Legal Officer, Bari, dated 27 Dec 44.

2. Pursuant to your request this Sub-Commission has applied to the Ministry for an immediate substitution of the First Pretore APICELLA; the Minister has at once requested a report from the Acting Primo Presidente of Bari with a view of taking a speedy action.

3. At the request of this Sub-Commission the Ministry is preparing two circulars directed to the First Presidents and Procuratori Generali dealing with cases affecting Allied interests and particularly with prostitution and setting out the Ministry's view on the proper exercise of the optional power of arrest and on granting of provisional liberty. Copies of the circular will be forwarded to you as soon as received from the Ministry. Attached is a synopsis or a memorandum prepared by the legal adviser of this Sub-Commission after a thorough study of the legislation. The main conclusions of the memorandum have been accepted by the Ministry as a basis for the circulars. However, it is not practical at this juncture to effect the changes of substantive law such as proposed in para 3 of the synopsis.

By command of Rear Admiral STONE: 1 39

G. G. Hannaford

Copy to : AC/4039/L.  
AC/4011/L.  
AC/4104/18/L.

G. G. HANNAFORD,  
Lt. Colonel,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

42A

GCH/pa.  
5 Jan 45.

1/4011/L.

SUBJECT : Security Regulations in Italian Government  
Territory ( Photography ).

TO : AFHQ, G-5.

1. Reference your G-5: 380.01-1 dated 28 Dec 1944.
2. Art. 65 of the Italian Military Code for War reads as follows:-  
" Whoever, in a military operation zone without authorization from the competent authority, carries or uses a photographic apparatus of any description, shall be punished by military reclusion up to one year ".
3. Military zones are established by "Bandi" of the Local Military or Naval Authorities under the provisions of the Law of War and Neutrality (Arts. 5/ of Law 1415 of 8 July 38).
4. The Procuratore Generale Militare informs this Sub-Commission that for all practical purposes the 5th and 8th Army Zones are considered by the Italian authorities as military zones of operations.
5. In June 43 Italian Military authorities in anticipation of Allied landings declared Sicily, Sardinia, the adjacent islands, the provinces of Foggia, Bari, Brindisi, Taranto, Lecce, Cosenza, Catanzaro, Reggio Calabria, Matera, Potenza, Napoli, Benevento, Avellino and Salerno to be military zones of operation. These provisions have never been abrogated though it may be considered that Allied occupation has rendered them null and void.
6. Italian Military Authorities cannot at present establish Military Zones without the agreement or at the request of the Allied Command. As this Sub-Commission is not now in a position to ascertain where such zones have been set up, it is suggested that you let this HQ know what specific area you are interested in in order that inquiries may be made and required information supplied.
7. There exist no list of subjects or categories of subjects which may or may not be photographed. Such restriction may however be imposed by local authorities.

For the Chief Commissioner :

*[Signature]*  
O. R. UPJOHN, Brig,  
VP CA Sec  
Dep COS AG

✓  
4011  
ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

HYA/jjjp

41A

28 December 1944

G-5: 380.01-1

SUBJECT: Security Regulations in Italian Government Territory.

TO : Headquarters, Allied Commission, APO 394

Reference your AC/4011/L of 13 December 1944.

LEGAL ATTACHMENT  
CLO  
DCLO  
Chief of Staff  
CIO  
Italian  
G-5

Please furnish copies of or extracts from Italian enactments prohibiting photography, including any lists of subjects or categories of subjects which may or may not be photographed which may be specifically mentioned.

For the Acting Asst. Chief of Staff, G-5:

H. Y. ANDERSON  
Major.

37

HEADQUARTERS  
29 DEC 1944  
A.  
C.

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

40A

AG/4911/L.

WEB/ap.  
18 December 1944.

SUBJECT : Security Regulations in Italian  
Government territory.

TO : AFHQ G-5.

39A

1. In reply to your G-5/ 380.01-1 of 15 Dec 1944 it is considered that the Italian law is entirely adequate to punish Italians in Italian Government territory who jeopardize the security interests of the Allies in the manner suggested.

2. It is not necessary under Italian law to declare to the local authorities the possession of wireless receiving sets or photographic implements or equipments, but in other respects the provisions of Proclamation 11 are fully covered in various articles of Regolamenti di Polizia, Legge di Guerra, Codice Penale Militare, Codice Penale Militare di Guerra, local Prefectural Orders and local Italian Army Orders.

3. It need hardly be stated that if any of the acts complained of are committed with the intention of helping the enemy they can be punished under the CPMG with the utmost severity.

4. Acts to the prejudice of the Allies are considered under Art. 15 of the CPMG as acts to the prejudice of the Italian forces and are punished accordingly.

5. To deal with the specific question of correspondence with a PW in Germany, it is an offence to have correspondence with a person in enemy or enemy occupied territory. <sup>36A</sup> letter to a PW is permitted only if the provisions of the GENEVA convention and the rules <sup>made</sup> thereunder are complied with. Letters in code are not permitted.

If, of course, the letter in code is intended for the Germans the writer commits the offence of communication with the enemy.

For the Chief Commissioner:

*S.P.*

G. S. PARKINSON, Brig  
A/VP C A Sec  
Dep COS

4001  
✓

*Security*  
5751  
(39A)

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

HYA/iasc

G-5: 380.01-1

15 December 1944.

SUBJECT: Security Regulations in Italian Government territory.

TO : Headquarters, Allied Commission, A.P.O. 394

1. Enquiries have been made of this Section whether Italian nationals in unoccupied Italy can be prosecuted under Italian law for offences against normal war time security restrictions of the Allies, such as those, for instance, in AMG Proclamation No. 11.

2. A specific case is that of an Italian in SICILY who writes in code to a relative, a PW in GERMANY.

3. Will you please say whether the Italian law includes any specific provisions for security of the Allied Forces and if not how Italians in unoccupied ITALY who jeopardise Allied security interests can be dealt with.

For Acting Asst. Chief of Staff, G-5:

*H. Y. Anderson*  
H. Y. ANDERSON,  
Major.

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



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|------------------|
| Security         |
| Division         |
| Rec'd. 17/12     |
| Book No. 3602    |
| File No.         |
| Action Legal S/C |

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4011/6/L.

/rlp.  
21 October 1944.

SUBJECT : Representation of Allied interests in Italian Courts (Parte Civile).

TO : Regional Commissioners (Attn: Regional Legal Officers),  
SICILIA, SARDEGNA, SOUTHERN, LAZIO-UMBRIA, ABRUZZI-MARCHE, TOSCANA,  
EMILIA, LIGURIA, PIEMONTE, LOMBARDIA, VENEZIA Regions.

1. Cases frequently occur in which Allied financial interests are prejudicially affected by offences committed by Italians, e.g., by thefts of Allied stores.

2. Under Italian law a party whose interests are so affected by a criminal act may appear by an advocate at the criminal trial of the offender as "parte civile" and may be awarded damages. He can, of course, file a claim for damages after the criminal case has been determined, but procedure by way of "parte civile" eliminates the necessity for such action.

3. Parties may select any qualified legal representative they desire, but the Italian State has created a permanent body of legal representatives, the "Avvocatura dello Stato", composed of salaried functionaries whose duties are to represent the Italian State, the Government, Provinces and Communes as claimants or defendants before all judicial or administrative jurisdictions of the Kingdom.

4. The Italian Government has now passed D.L. No. 166 of 3 July 1944 (translation on reverse), which extends to Allied authorities or members of the Allied Forces the benefit of the services of the "Avvocatura dello Stato" to defend their interests in such cases. It should be observed that it is not compulsory for the Allied Forces to employ the services of the "Avvocatura dello Stato" as any person duly qualified to appear before the competent Italian court can be specially briefed for this purpose if so desired.

5. Branches of the Avvocatura dello Stato exist in the seventeen districts of Court of Appeal of Italy, i.e., ANCONA, AQUILA, FARI, BOLOGNA, FIRENZE, CAGLIARI, CATANIA, CATANZARO, FIRENZE, GENOVA, MESSINA, MILANO, NAPOLI, PALERMO, TORINO, TRIESTE, AND VENEZIA. All those situated in liberated territory and functioning normally in spite of the fact that the number of their members has been somewhat depleted owing to the war and political considerations.

6. Whenever any military authorities decide that Allied interests should be represented by the Avvocatura dello Stato in Italian Courts, it will be the duty of the legal officer concerned to request the Avvocato distrettuale dello Stato (head of the local branch of the Avvocatura) to appoint a suitable member of his staff for this purpose. It will be the further duty of the legal officer to advise the Military authorities concerned as to the advisability of such step according to the circumstances of each individual case...

By Command of Commendatore STONE;

W.B. Stone

ACG/4011/6/L.

/rlp.

21 October 1944.

SUBJECT: Representation of Allied interests in Italian Courts (Parte civile).

TO: Regional Commissioners (Attn: Regional Legal Officers),  
SICILIA, SARDEGNA, SOUTHERN, LATIO-UMBRIA, ABRUZZI-MARCHE, TOSCANA,  
EMILIA, LIGURIA, PIEMONTE, LOMBARDIA, VENEZIA Regions.

1. Cases frequently occur in which Allied financial interests are prejudicially affected by offences committed by Italians, e.g., by thefts of Allied stores.

2. Under Italian law a party whose interests are so affected by a criminal act may appear by an advocate at the criminal trial of the offender as "parte civile" and may be awarded damages. He can, of course, file a claim for damages after the criminal case has been determined, but procedure by way of "parte civile" eliminates the necessity for such action.

3. Parties may select any qualified legal representative they desire, but the Italian State has created a permanent body of legal representatives, the "Avvocatura dello Stato", composed of salaried functionaries whose duties are to represent the Italian State, the Government, Provinces and Communes as claimants or defendants before all judicial or administrative jurisdictions of the Kingdom.

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BY Command of Commandere STONE,

Copy to: AFHQ - for info,  
HQ AAI - " "

for  
Weber: Cde

RICHARD H. WILMER,  
Colonel, GAC,  
Chief Legal Advisor.

LEGISLATIVE DECREE OF THE LIEUTENANT GENERAL OF THE KINGDOM No. 166  
OF 2 JUL 1944

Conferring upon the Avvocatura dello Stato the defense of property  
interests of the Allied Armed Forces, rules for retention and  
reinstatement in service of the personnel of the Avvocatura dello Stato.

UMBERTO DI SAVOIA, etc.

ART. 1

For the duration of the present war the Avvocatura dello Stato may upon request of an Allied Command undertake the representation and defence of the property interests of the Allied Armed Forces and members thereof in civil and criminal proceedings taking place in liberated territory.

The exercise of such functions shall be governed by the provisions of Art. 1, Para 2 of the consolidated law No. 1611 of 30 Oct. 1933.

ART. 2

In order to meet the temporary and urgent requirements of the service arising out of the present war emergency the regular functionalities and employees of the Avvocatura dello Stato who distinguished themselves by their diligence, zeal and efficiency, may be retained in service beyond the ordinary limits until six months after the cessation of the present state of war and not beyond the conclusion of the 75th year of their age.

Furthermore on account of the same requirements of service such regular functionalities and employees who have been retired for not more than two years, may be temporarily reinstated in their functions until they have completed their 75th year.

The relative provisions shall be enacted by a decree of the President of the Council of Ministers in agreement with the Minister for Finance upon favourable recommendation of the Commission for personnel matters.

The personnel reinstated in service shall for the period of service receive such allowances as fixed by R. Decree-law No. 34 of 31 Jan 1944.

ART. 3

The personnel thus retained or reinstated in service in accordance with the preceding article may be dismissed from active service by a decision of the President of the Council of Ministers without right of appeal.

The services rendered by said personnel in accordance with this decree shall not be considered in the computation of the pension nor do they give rise to any claim for payment of allowances upon retirement.

Conferring upon the Avvocatura dello Stato the defense of property interests of the Allied Armed Forces; rules for retention and reinstatement in service of the personnel of the Avvocatura dello Stato.

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ART. 4

This decree shall become effective on the date subsequent to the date of its publication in the Gazzetta Ufficiale of the Kingdom - special series.

We order, etc....

Given at Naples, the 3rd of July 1944, etc.  
Transl. 21 Oct. 44.

*10 Adv*  
SUBJECT: Police General

*Legal To file*

*Admin Sec*  
*8407 (37A)*  
SECRET

AMC Rear Eighth Army.

QA/8

9 Sep 44.

4011

PC Ancona Province  
PC Arezzo Province  
PC Perugia Province  
PC Pesaro Province  
PC Forli Province  
PC Ravenna Province  
PC Ferrara Province  
PC Bologna Province

Copy to HQ Allied Control Commission,  
Executive Commissioner's Branch.  
Administrative Section.

RC AMG Region IV  
RC AMG Region V  
RC AMG Region VIII  
RC AMG Region IX  
RC AMG Region XII  
AMG IO 5 Corps  
AMG IO 10 Corps  
AMG IO 1 Odn Corps  
CSI(b) Eighth Army.

1. During hours of curfew on the eve of a recent religious feast day bonfires were lighted in various parts of the countryside in a province in Army Area.
2. It is an Italian religious custom practised in varying degrees in different parts of the country on the eve of special feasts.
3. Please advise the Ecclesiastical Authorities in your province to promulgate through the Churches to the people that the practice of lighting bonfires during the hours of curfew is prohibited and offenders may be charged with an act endangering the safety or security of the Allied forces, an offence punishable by death.

*R. Butcher*  
32

Lt. Col. RA,  
S.O.L.,  
AMC Rear Eighth Army

*10 Adv*  
*149 Jan 13/4*  
*Legal - 18/4*

*10 Adv*  
*149 Jan 13/4*  
*Legal - 18/4*  
*Not named K. L. L.*

PC Arezzo Province  
 PC Perugia Province  
 PC Pesaro Province  
 PC Forli Province  
 PC Ravenna Province  
 PC Ferrara Province  
 PC Bologna Province

Copy to HQ Allied Control Commission,  
 Executive Commissioner's Branch.  
 Administrative Section. ✓

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*R. Butcher*  
 32

Lt. Col. RA,  
 S.O. 1,  
 AMG Rear Eighth Army

*To 2nd Lt. Col. RA, 13/9*  
*Legal - 8/9*

*To 2nd Lt. Col. RA, 13/9*  
*Legal - 8/9*

*R. Butcher*

*12 Sep 44*

*100*

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4011/L.

26 July 1944. <sup>121p.</sup>

SUBJECT : Circular on offences against Allied interests (Conditional Suspension of sentences). Circular on provisions concerning penalties for failure to consign wheat and barley.

TO : H.E., the Minister of Pardon and Justice.

1. This sub-commission has the honor to express its full agreement with the text of the above two drafted circulars.

2. The distribution of the circulars at an early date would be greatly appreciated.

C. G. HANNAFORD,  
Lt. Col.,  
Officer i/c Italian Branch,  
for Acting Chief Legal Officer.

Copy to: File 4360/L.

*Del. here of  
personally*

FILE 401.

(10)

4521

~~SECRET~~

SUBJECT:- War Crimes.

ALLIED FORCES HEADQUARTERS.

G4/B/3305/1/A3.

12 May 44.

HQ. AFHQ.

Further to this HQ letter of even number dated 10 May 44, a copy of a letter received from the Allied Control Commission (Legal Subcommittee) reference ACC/4.011/1/L dated 6 May 44, is forwarded for your information.

*[Signature]*  
Major General, DAG.,  
G-1 (B).

Copy to:- Allied Control Commission (Legal Subcommittee).  
DJAG AFHQ.

34



MINISTERO DELLE FINANZE

COMANDO SUPERIORE DELLA R. GUARDIA DI FINANZA  
DELL' ITALIA LIBERATA

Salerno, 11 13 MAG. 1944

DIVISIONE Servizi

Prot. N. 4256

Risposta a nota N.

del

All. N.

A/L'UFFICIO LEGALE DELLA  
COMMISSIONE ALLEATA DI CONTROLLO

S A L E R N O

OGGETTO: Consegna dei corpi di reato di proprietà alleata.-

Nella conferenza di polizia tenuta a questa sede il 6 marzo c.a., è stato concordato che tutti i corpi di reato, costituiti di oggetti e generi di proprietà delle Forze Alleate, siano consegnati alla Polizia Militare Alleata, che rilascerà ricevuta da allegare agli atti di denuncia che vengono trasmessi all'Autorità giudiziaria.

Per uniformità di procedura, sarebbe opportuno che l'osservanza della sopracitata disposizione fosse estesa a tutto il territorio restituito all'amministrazione del Governo Italiano, e non limitata alla sola provincia di Salerno.-

È grato se codesto Ufficio legale volesse farne oggetto di proposta ai competenti Organi alleati.-

IL GENERALE COMANDANTE  
- Oreste Morioca -

*[Signature]*  
29

Telefono N. 13.793

Min. des Aff. Étrang.  
Hg. R. Guardia di Finanza

Salerno, May 13, 1944

34

Subject: - Delivery of Stolen Property to Allies  
To ~~Legal Office~~

At a meeting of the police held in this Hq. on March 6, it was agreed that all stolen property of the Allied Forces are to be delivered to Allied Military Police, who will issue a receipt which will be attached to the charge sheet and forwarded to Judiciary Authorities.

For the sake of uniformity, it would be opportune to extend the above measure to territory returned to the Italian Government and not to limit it only to the Province of Salerno.

I will be grateful if your office would propose said matter to the competent Allied Authorities.

Commanding General  
Arrete Moussa.

Lecce, li 9 maggio 1944

PROCURA DEL RE  
MINORENNI

N. 4011 / 44 di Adewp.

Risposta alla nota N. \_\_\_\_\_

del \_\_\_\_\_

OGGETTO : Procedimenti per reati, di qualsiasi specie, commessi in danno dei Governi Alleati e delle loro Forze Armate, nonché degli appartenenti ai detti Governi e Forze.

ALL'UFFICIO COMMISSIONE ALLEATA DI CONTROLLO

BRINDISI

e per conoscenza:

ALL'UFFICIO LEGALE COMMISSIONE DI CONTROLLO

LECCE

ALL'ILL./MO SIG. AVVOCATO GENERALE DEL RE

LECCE

In riscontro alla nota di codesto Ufficio n°2006/12 del 5 corrente mese, mi onoro comunicare:

Le relazioni settimanali, relative ai reati specificati in oggetto, sono state puntualmente trasmesse alla Commissione Alleata di Controllo di Lecce, giusta richiesta della stessa, per il susseguente inoltro a codesto Ufficio.

Con ossequio.

IL PROCURATORE DEL RE PER I MINORENNI  
(Alessandro Di Biase)

*Adewp.*

27

NEAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

GCH/gmf

32

ACC/AGL/L

9 May 1944

SUBJECT: Retention of stolen Allied property.

TO : RLOS Regions 1, 2, 3, 5, 6, 7  
SLOS 5th & 8th Armies. 10 (Apulia).

The enclosed circular in English and Italian from the Minister of Justice to all Procuratori Generali is forwarded to you for information and necessary action.

(Necessary action suppressed  
for 3, 5, 7, 8, 9 and 10 Armies.)

Copy to: Public Safety Subcom.

G. G. HARRINGTON, Major  
Officer i/c Italian Branch  
for Chief Legal Officer.

TRANSLATIONMINISTRY OF PARDON AND JUSTICE

Central Office for Penal Matters

31

SUBJECT: Confiscation of stolen Allied Property.

TO : E. PROCURATORI GENERALI DEL RE.

The Allied Control Commission has informed the Ministry of the following:

It has become<sup>2</sup> generally established custom for the Allied police to retain stolen Allied property, which they have confiscated, with view of returning it to the unit or member of the Allied Forces or authorities to whom such property belongs, rather than to transmit it to judicial authorities.

The aforesaid Commission added that such practice does not hamper the regular administration of justice because whenever it is necessary that the confiscated objects be exhibited in court, the judicial authorities may apply to the Allied Legal Liaison officer who will make the necessary arrangements with the Allied police or unit concerned that the above objects be made available with every possible speed.

Having stated the above the said Commission has requested that the Italian judicial authorities be instructed to consider it to be a proper and legal procedure which not only permits a ready restitution of stolen property to the Allied legal owners, but also, on the other hand, does not in any way hamper the actions of judicial authorities.

This Ministry cannot but comply with the request of the Allied Commission. In this respect it is pointed out that one of the principles of our procedural system, which may easily be deduced from the last subparagraph of Art. 622 Code of Penal Procedure, directs to facilitate the type of cases under consideration, there is no need for retaining such property in custody for the purposes of penal proceeding and when such property may easily be obtained if its exhibitions should be required.

On the other hand it is the practice of not only the Italian judicial authorities but also the Italian judicial police to restore in accordance with the proper interpretation of the combined provisions of Arts. 222, 344 and 622 last para, Code of Penal Procedure, the stolen property directly to the owner, whenever they are satisfied that such property is of no interest for the penal proceeding, without requesting any bail or guarantee where as in cases under consideration, such security measure is not necessary; the owner, however, is advised that he shall have to produce the property whenever so requested by the judicial authority.

Would Your Excellencies please bring this circular to the knowledge of judicial authorities under your control so that the latter consider the above procedure as being fully within limits of the prevailing law in addition to fitting the requirements of the Allied authorities; this procedure will be followed by the Allied police in respect to the restitution of stolen property and the aforesaid judicial authorities should apply to the Allied Legal Liaison Officer, whenever such property is needed.

Please acknowledge receipt of this letter.

for the Minister  
(Sgd) De Villa

MINISTERO DI GRAZIA E GIUSTIZIA  
Direzione Generale Affari Penali

no.

Salerno, li

OGGETTO: Sequestro di refurtiva di proprieta' degli Alleati.

ALLE LL. EE. I PROCURATORI GENERALI DEL RE

La Commissione Alleata di Controllo ha fatto presente a questo Ministero che, per uso ormai generalmente invalso, la polizia alleata, allorché proceda al sequestro di refurtiva di proprieta' degli Alleati, non trasmette la detta refurtiva all'autorita' giudiziaria, ma la trattiene, per la restituzione al reparto od alla persona, faciente parte delle forze armate o dei governi alleati, cui essa appartiene.

Ha aggiunto che tale uso non ostacola il regolare corso della giustizia, in quanto l'autorita' giudiziaria, nei casi in cui occorra la presentazione degli oggetti sequestrati, potrà sempre rivolgersi all'ufficiale legale alleato di collegamento, che si interesserà presso la polizia od al reparto per la sollecita presentazione degli oggetti stessi.

E, ciò posto, ha chiesto la detta Commissione, che sia rivolto invito alla Autorita' Giudiziaria perché sia ritenuto legittimo il suesposto adottato procedimento che, mentre consente la pronta restituzione ai legittimi proprietari alleati degli oggetti agli stessi sottratti, non ostacola, d'altra parte, in alcun modo, l'attivita' dell'autorita' giudiziaria.

Questo Ministero, non può non aderire alla richiesta della Commissione Alleata. All'uopo osserva che è principio del nostro ordinamento processuale, facilmente desumibile dall'ultimo comma dell'art. 622 C.P.P., di agevolare la restituzione della refurtiva al derubato, quando, come nei casi in oggetto, non è necessario che essa rimanga in regolare custodia ai fini del procedimento penale, e quando, occorrendo, la presentazione di essa può essere facilmente ottenuta.

D'altra parte, non solo l'autorita' giudiziaria, ma anche la stessa polizia giudiziaria italiana, in base ad una legittima interpretazione del combinato disposto degli Art. 222, 344, e 622 u.p. C.P.P., provvede direttamente alla restituzione della refurtiva al proprietario, ove accerti che essa non ha interesse per il procedimento penale, invitando, peraltro, la parte a presentarla ad ogni richiesta dell'autorita' giudiziaria, senza imporre, ove, come nel caso in oggetto, non sia necessario, alcuna cauzione o fidejussione.

E, pertanto, si pregano le EE.LL. di voler portare la presente circolare a conoscenza di tutti i dipendenti uffici giudiziari, in modo che, ritenuto come del tutto consentito dalla legge oltreché corrispondente alla necessita' dei Governi Alleati, il suesposto procedimento seguito dalla Polizia Alleata nei riguardi della restituzione della refurtiva in oggetto, vogliano rivolgersi per l'eventuale necessaria presentazione di essa all'Ufficiale Legale Alleato di collegamento.

Si prega accusare ricezione della presente.

per IL MINISTRO

Fir/to DE VILLA

29A  
P. PROCURA GENERALE MILITARE  
PRESSO LA  
SEZIONE DI TRIBUNALE SUPREMO MILITARE

CIRCOLARE N° 8

N° 115 / Gab.

OGGETTO : Reati in danno degli Alleati.

Ostuni, li 6 maggio 1944.

\*\*\*\*\*

AI R. PROCURATORI MILITARI DEI TRIBUNALI MILITARI TERRITORIALI DI GUERRA  
BARI = CATANZARO = NAPOLI = OPISTANO = TARANTO =  
TO = SEZ. DI LECCE

e dei TRIBUNALI MILITARI DI GUERRA DELLA SICILIA = P.M. 123  
VII C.d'A. = P.M. 60  
II C.d'A. = P.M. 92

\*\*\*\*\*

Con notevole frequenza si deplorano reati, sia pure in massima parte di lieve entità, in danno delle F.F.AA. Alleate.

Ad evitare il dilagare di tale in crescendo attività delinquenziale che danneggia il regolare afflusso di mezzi alle Forze Armate Alleate - che si tenga bene presente si concentrano per combattere e liberare il sacro suolo della nostra Patria - è necessario che l'azione repressiva della magistratura militare sia rapida, quanto più possibile, ed energica.

Ai fini della competenza ricordo che ritengo esatta la interpretazione data all'art. 15 Codice Penale Militare di Guerra che Stato coobelligerante equivale a Stato Alleato.

Tale interpretazione sgorga anche dal nostro sentimento che nessuna differenza crede esistere fra coobelligerante e Stato Alleato nella Guerra.

La interpretazione poi dell'art. 232 Codice Penale Militare di Guerra deve essere quanto più larga possibile.

Al fine di eliminare la necessità di lunghe istruttorie, nella maggior parte dei casi in cui persone vengono trovate in possesso di illegittimo di cose appartenenti all'Amministrazione Militare Alleata può ritenersi ricorrere il reato di acquisto o ritenzione di effetti militari represso dall'art. 166 C.P.M.P., con l'aggravante di cui all'art. 47 C.P. M.G. - che consente di spaziare da un mese a sei anni di reclusione, e

N. 115/Cab.

OGGETTO : Reati in danno degli Alleati.-

\*\*\*\*\*

AI R. PROCURATORI MILITARI DEI TRIBUNALI MILITARI TERRITORIALI DI GUERRA  
BARI = CATANZARO = NAPOLI = ORISTANO = TARANTO =  
TO = SEZ. DI IECOE

e dei TRIBUNALI MILITARI DI GUERRA DELLA SICILIA = P.M. 125  
VII C.d'A. = P.M. 80  
II C.d'A. = P.M. 92

\*\*\*\*\*

Con notevole frequenza si deplorano reati, sia pure in massima parte di lieve entità, in danno delle M.A. Alleate.

Ad evitare il dilagare di tale inescusabile attività delinquenziale che danneggia il regolare afflusso di mezzi alla Forze Armate Alleate - che si tenga bene presente si concentrano per combattere e liberare il sacro suolo della nostra Patria - è necessario che l'azione repressiva della magistratura militare sia rapida, quanto più possibile, ed energica.

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23

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E' necessario poi - così come ha già da tempo praticato qualche Tribunale - che venga incaricato un magistrato che curi la rapida istrut-

28 ~~21~~

ria sommaria e l'immediato rinvio a giudizio lasciando, salvo casi eccezionali, nello stato di custodia gli imputati denunciati in istato di arresto espiccando gli ordini di cattura nei casi di congruo rilievo. Così il magistrato incaricato avrà anche la sensazione degli sviluppi del complesso fenomeno delinquenziale ~~mi~~ e degli effetti delle misure repressive adottate.

Occorrerà ancora segnalare i processi ai Sigg. Presidenti in guisa che la fissazione del dibattimento abbia luogo rapidamente abbreviando ove occorre i termini a sensi dell'art. 280 C.P.M.G..

Occorrendo eseguire atti fuori della residenza segnaleranno la necessità ai Comandi di Corpo d'Armata onde ottenere un mezzo di trasporto, e nei congrui casi il Tribunale potrà, a sensi dell'art. 21 Ordinamento Giudiziario, espletare il dibattimento in luogo diverso dalla sede.

Per i reati in esame non ritengo opportuno che il R. Procuratore Militari si valga della disposizione dell'art. 233 C.P.M.G. per rimettere gli atti all'Autorità Giudiziaria Ordinaria. Ciò può far trascorrere del tempo mentre urge che la procedura venga espletata rapidamente.

Dovranno essermi segnalati i casi di maggiore rilievo e mensilmente nella relazione disposta con la circolare n° 6 del 20 aprile c.a. mi venga riferito sui procedimenti precisando il numero di quelli iniziati, di quelli definiti e del carico rimasto.

Di volta in volta mi verranno comunicati tutti i dati che a richiesta vengono comunicati agli Alleati.

I Sigg. R.R. Procuratori Militari dovranno prendere gli opportuni contatti con le Eccellenze i Procuratori Generali ed i Procuratori del Re in guisa da risolvere rapidamente qualsiasi dubbio od incertezze procedurali.

Confido che tutti i Tribunali, così come ne hanno dato prova, continueranno a portare il loro valevolissimo fidente contributo per il risanamento morale e disciplinare della nostra Patria.

IL PROCURATORE GENERALE MILITARE DEL RE R.  
(Ten. Gen. Francesco TRATTI)

Così il magistrato incaricato avrà anche la sensazione degli sviluppi del complesso fenomeno delinquenziale ~~mi~~ e degli effetti delle misure repressive adottate.

Occorrerà ancora segnalare i processi ai Sigg. Presidenti in cui sa che la fissazione del dibattimento abbia luogo rapidamente abbreviando ove occorra i termini a sensi dell'art. 230 C.P.M.G..

Occorrendo eseguire atti fuori della residenza segneranno la necessità ai Comandi di Corpo d'Armata onde ottenere un mezzo di trasporto, e nei congrui casi il Tribunale potrà, a sensi dell'art. 21 Ordinamento Giudiziario, espletare il dibattimento in luogo diverso dalla sede.

Per i reati in esame non ritengo opportuno che in ~~in~~ R. Procura. Mi- litari si valgano della disposizione dell'art. 233 C.P.M.G. per rimettere gli atti all'Autorità Giudiziarla Ordinaria. Ciò può far trascorrere del tempo mentre urge che la procedura venga espletata rapidamente.

Dovranno essermi segnalati i casi di maggiore rilievo e mensilmente nelle relazioni disposte con la circolare n° 6 del 20 aprile c.a. mi venga riferito sui procedimenti precisando il numero di quelli iniziati, di quelli definiti e del carico rimasto.

Di volta in volta mi verranno comunicati tutti i dati che a richiesta vengono comunicati agli Alleati.

I Sigg. R.R. Procuratori Militari dovranno prendere gli opportuni contatti con le Eccellenze i Procuratori Generali ed i Procuratori del Re in guisa da risolvere rapidamente qualsiasi dubbio od incertezze procedurali.

Confido che tutti i Tribunali, così come ne hanno dato prova, continueranno a portare il loro valevolissimo fidente contributo per il risanamento morale e disciplinare della nostra Patria.-



IL PROCURATORE GENERALE MILITARE DEL RE R.F.  
(Ten. Gen. Francesco TRAINA)

*Francesco Traina*

9011  
MINISTERO DI GRAZIA E GIUSTIZIA  
Direzione Generale affari penali

Prot. N. 28109

Salerno li 5.5.1944

Oggetto/ sequestro difurtiva di proprietà degli  
Alleati.

Alla Commissione Alleata di Controllo  
Sottocommissione legale

Salerno

A seguito di richiesta di cotesto ufficio e prima  
di rimetterla ai Procuratori Generali, si trasmette, per  
visione, la circolare in oggetto.

Il Ministro

*Alm.*



MINISTERO DI GRACIA E GIUSTIZIA  
Direzione Generale affari Penali

No.

Se l'erno li

Oggetto: Sequestro di refurtiva di proprietà degli Alleati

ALLE LL. EE. I PROCURATORI GENERALI DELL'RS

La Commissione Alleata di Controllo ha fatto presente a questo Ministero che per uso ormai generalmente invalso, la polizia alleata, allorché procede al sequestro di refurtiva di proprietà degli alleati, non trasmette la detta refurtiva all'autorità giudiziaria, ma la trattiene, per la restituzione al reparto od alla persona, faciente parte delle forze armate o dei governi alleati, cui essa appartiene.

Ha aggiunto che tale uso non ostacola il regolare corso della giustizia, in quanto l'autorità giudiziaria, nei casi in cui occorra la presentazione degli oggetti sequestrati, potrà sempre rivolgersi all'ufficiale legale alleato di colà legamento, che si interesserà presso la polizia od il reparto per la sollecita presentazione degli oggetti stessi.

È ciò posto, ha chiesto la detta Commissione, che sia rivolto invito alla Aut. giudiziaria perché sia ritenuto legittimo il quesposto adottato provvisoriamente che, mentre consente la pronta restituzione ai legittimi proprietari alleati degli oggetti agli stessi sottratti, non ostacola, d'altra parte, in alcun modo, l'attività dell'autorità giudiziaria.

Questo Ministero, non può non aderire alla richiesta della Commissione Alleata. All'uopo osserva che è principio del nostro ordinamento processuale, facilmente desumibile dall'ultimo comma dell'art. 622 C.P.P., di agevolare la restituzione della refurtiva al derubato, quando, come nei casi in obbietto, non è necessario che essa rimanga in regolare custodia ai fini del procedimento penale, e quando, occorrendo, la presentazione di essa può essere facilmente ottenuta.

D'altra parte, non solo l'autorità giudiziaria, ma anche la stessa polizia giudiziaria italiana, in base ad una legittima interpretazione del combinato disposto degli artt. 222, 344 e 622 n.p. C.P.P., provvede direttamente alla restituzione della refurtiva al proprietario, ove accerti che essa non ha interesse per il procedimento penale, invitando, peraltro, la parte a presentarla ad ogni richiesta dell'autorità giudiziaria, senza imporre, ove, come nel caso in obbietto, non sia necessaria alcuna cauzione o mallevanzia.

È, pertanto, si pregano le LL. EE. di voler portare la presente circolare a conoscenza di tutti i dipendenti uffici giudiziari, in modo che, ritenuto come del tutto consentito dalla legge, oltreché corrispondente alle necessità dei Governi Alleati, il quesposto procedimento seguito dalla polizia Alleata nei riguardi della restituzione della refurtiva in obbietto, voglia essere rivoltato per l'eventuale necessaria presentazione di essa all'ufficiale legale alleato di colà legamento.

Si prega accusare ricezione della presente.

IL MINISTRO

SCMM

TRANSLATION

MINISTRY OF PARDON AND JUSTICE

Central office for penal matters

SUBJECT : Confiscation of stolen Allied Property.

TO : M. PROCURATORI GENERALI DML RE

The Allied Control Commission has informed the Ministry of the following:

It has become a generally established custom for the Allied police to retain stolen Allied property, which they have confiscated, with view of returning it to the unit or member of the Allied Forces or authorities to whom such property belongs, rather than to transmit it to judicial authorities.

The aforesaid Commission added that such practice does not hamper the regular administration of justice because whenever it is necessary that the confiscated objects be exhibited in court, the judicial authorities may apply to the Allied Legal Liaison officer who will make the arrangements with the Allied police or unit concerned that the above objects be made available with every possible speed.

Having stated the above the said Commission has requested that the Italian judicial authorities be instructed to consider it to be a proper and legal procedure which not only permits a ready restitution of stolen property to the Allied legal owners, but also, on the other hand, does not in any way hamper the actions of judicial authorities.

This Ministry cannot but comply with the request of the Allied Commission. In this respect it is pointed out that one of the principles of our procedural system, which may easily be deduced from the last subparagraph of Art. 622 Code of Penal Procedure, directs to facilitate restitution of stolen property to the injured party whenever, as in the type of cases under consideration, there is no need for retaining such property in custody for the purposes of penal proceedings and when such property may easily be obtained if its exhibitions should be required.

On the other hand it is the practice of not only the Italian judicial authorities but also the Italian judicial police to restore in accordance with the proper interpretation of the combined provisions of Arts. 222, 344 and 622 last para, Code of Penal Procedure, for the stolen property directly to the owner, whenever they are satisfied that such property is of no interest for the penal proceeding, without requesting any bail or guarantee where as in cases under consideration, such security measure is not necessary; the owner, however, is advised that he shall have to produce the property whenever so requested by the judicial authority.

Would your excellencies please bring this circular to the knowledge of judicial authorities under your control so that the latter consider the above procedure as being fully within limits of the prevailing law in addition to fitting the requirements of the Allied authorities; this procedure will be followed by the Allied police in respect to the restitution of stolen property and the aforesaid judicial authorities should apply to the Allied Legal Liaison Officer, whenever such property is needed.

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Please acknowledge receipt of this letter.

for The Minister  
(sgd) De Villa

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.O. & M.G. SECTION  
APO 394

Ref/319/27/CA

4 May 1944

SUBJECT: Thefts by Italian Civilians.

TO : Hq. A.A.I.

1. Reference your AAI/5092/A(P3) of 16 April 1944.
2. Careful consideration has been given to your request that instructions be issued that in Italian occupied territory all serious charges of thefts by Italian civilians of Allied property must be tried by Allied Military Courts.
3. The Chief Legal Officer has just returned from Region II where he made an extensive and detailed investigation of the operation of the Italian Courts in dealing with thefts of Allied property, especially in Apulia. He says that the system whereby reports of all cases affecting Allied interests are received and their progress watched through the Courts is working well and that generally speaking entirely adequate sentences are being imposed. In a few cases inadequate sentences have been given and these individual cases are taken up with the local authority by the Legal Liaison Officer.
4. In the opinion of this Headquarters this system which, as noted above, is already working well, should be given further trial since it is in accordance with the established policy that only exceptional cases should Allied Military Courts sit in Italian occupied territory.
5. You can be certain that the Legal Sub-Commission is treating this matter as one of great importance, and is keeping and will continue to keep a watchful eye on the operation of the system described in para 3 above.

| LEGAL SUB-COMMISSION |                                            |
|----------------------|--------------------------------------------|
| CLO                  | <input checked="" type="checkbox"/>        |
| DCLO                 | <input checked="" type="checkbox"/>        |
| Chief Counsel        | <input type="checkbox"/>                   |
| CLO                  | <input type="checkbox"/>                   |
| Copy to:             |                                            |
| Admin. Section       | Admin. Section - for Legal Sub-Commission. |
| Italo Section        | R.O. Regions, I, II, VI, and VII.          |
| CLERKS               |                                            |
|                      |                                            |
|                      |                                            |

*[Signature]*  
Brigadier  
Executive Commissioner  
For Chief Commissioner



REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

GRU/pa (2)

29 April 1944

ACC/4011/L ✓

SUBJECT : Thefts committed by soldiers handling Allied Property.

TO : H. E. The Minister of War.

1. Please find enclosed a memorandum from General Mariotti in connection with the procedure now in force in respect of the above type of offence.

2. It appears to this Sub-Commission that thefts of articles belonging to the Allied Forces and valued at less than two hundred lires are obviously the most numerous and therefore steps should be taken to discourage as much as possible, the authors of such offences.

3. The regulations in vigour in the Italian Army do not provide for any penal proceedings against these offenders, but only disciplinary measures including detention up to a month and a deduction of pay. These sanctions become inadequate when it is remembered that through each theft is intrinsically of small value the aggregate reaches astronomic figures on the black market, and therefore the guilty party is manifestly encouraged to carry on with such a lucrative business.

4. It is therefore suggested that the powers of disciplinary courts be increased in order to enable them to sentence such offenders to a maximum of three months imprisonment with 15 days on bread and water.

5. It is understood from the Procuratore Militare Generale that the powers of the disciplinary courts can be so increased by Ministerial directives.

6. It is hoped that your Excellency will agree with the suggestions set out above and with issue the necessary instructions to implement them at your early convenience.

G. R. UPJOHN,  
Colonel,  
Chief Legal Officer.

17

Copy to : LO Apulia (thru RLO) for information P.G.M.  
Minister of Justice .  
File ACC/4011/3/L .

STAT MAGGIORE REGIO ESERCITO  
Uff. Segreteria e Pers.

N.91/712/9/5 P. di prot. P.M. 151 li 4 febbraio 1944

OGGETTO: Furti consumati da parte di militari addetti alla manovalanza.

I N D I R I Z Z I

..... Omissis.....

Si verificano numerosi furti da parte di militari addetti ai lavori di manovalanza.

Poichè la maggior parte di questi reati arrecano alla parte lesa un danno di lieve entità, non si reputa opportuno reprimerli mediante irrogazione di sanzioni penali, anche in considerazione dell'ingente lavoro da cui i Tribunali Militari sono oberati.

Pertanto si dispone che gli autori di furti il cui importo non ecceda le lire 200, siano puniti, oltre che disciplinarmente, con una trattenuta sulla indennità giornaliera consistente in una somma di danaro, da computarsi sulle competenze maturate e da maturarsi, per un ammontare pari al valore delle cose sottratte.

L'importo di tali trattenute sarà destinato ad incrementare il fondo assistenziale a disposizione dei reparti.

Nel caso però che il furto dovesse avere un valore eccedente le lire 200 l'imputato sarà denunziato al Tribunale Militare competente che procederà nei suoi confronti con rito sommario (art. 379 C.P.M.P.); e ciò per appagare anche le aspirazioni di giustizia degli alleati, interessati al riguardo, i quali esigono dai nostri Tribunali l'uso di una procedura possibilmente rapida.

IL GENERALE DI DIVISIONE  
SOTTOCAPO DI S.M.  
MARIOTTI

4074

R.D.L. CHE MODIFICA L'ART. 3 DEL R.D.L. 1 FEBBRAIO 1944 N. 31.

VITTORIO EMANUELE III

per grazia di Dio e per volontà della Nazione  
RE D'ITALIA

*Commissari  
Allied Forces*

Visto il R.D.L. 11 febbraio 1944, n. 30;

Visto il R.D.L. 11 febbraio 1944, n. 31;

Visto l'art. 18 della legge 19 gennaio 1939, n. 129;

Visto il R.D.L. 30 ottobre 1943, n. 2/B;

Ritenuto che si versa in istato di necessità per causa di guerra;

Sentito il Consiglio dei Ministri;

Sulla proposta del Nostro Guardasigilli, Ministro Segretario di Stato  
per la Grazia e Giustizia;

ABBIAMO DECRETATO E DECRETIAMO:

L'art. 3 del R.D.L. 11 febbraio 1944 n. 31 è sostituito dal seguente:

« Chiunque entro il territorio restituito alla Amministrazione italiana compie atti ostili o commette delitti contro il patrimonio in danno delle forze militari alleate ~~e~~ dei membri di esse o dei funzionari, rappresentanti ed agenti delle Nazioni Unite viene giudicato dall'Autorità Giudiziarie italiana, salvo che i Tribunali militari Alleati avocano a sé il giudizio. In tal caso detti Tribunali seguono la loro procedura, ma applicano le leggi penali sostanziali italiane.

Il giudizio è sempre di competenza dei Tribunali Militari Alleati se il fatto è commesso da militari delle forze armate delle Nazioni Unite, o da persone ad essi assimilate.

Nella ipotesi di cui al primo comma, qualsiasi membro delle Forze Armate Alleate potrà procedere all'arresto di ogni persona che si abbia ragionevole motivo di ritenere implicata nei fatti ivi previsti, tranne che si tratti di un ufficiale o di un alto funzionario italiano. In tal caso, salvo ragioni di speciale urgenza, il Governo italiano o la competente superiore Autorità locale viene richiesta di provvedere a quanto sia necessario. »

Il presente decreto entra in vigore nel giorno stesso della sua pubblicazione nella Gazzetta Ufficiale del Regno-serie speciale.

La Assemblea Legislativa per la conversione in

Visto il R.D.L. 11 febbraio 1944, n. 31;

Visto l'art. 18 della legge 19 gennaio 1939, n. 129;

Visto il R.D.L. 30 ottobre 1943, n. 2/B;

Ritenuto che si versa in istato di necessità per causa di guerra;

Sentito il Consiglio dei Ministri;

Sulla proposta del Nostro Guardasigilli, Ministro Segretario di Stato per la Grazia e Giustizia;

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Il presente decreto entra in vigore nel giorno stesso della sua pubblicazione nella Gazzetta Ufficiale del Regno-serie speciale.

Esso sarà presentato alle Assemblee Legislative per la conversione in legge.

Il Ministro Segretario di Stato per la Grazia e Giustizia, proponente, è autorizzato alla presentazione del relativo disegno di legge.

- 2 -

(17)

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare, come legge dello Stato.

Dato a Salerno, il 8 aprile 1944.

Visto:

Il Guardasigilli:

14

ART. I

of Italian Decree extending the jurisdiction of Italian Courts to offences committed against Allied personnel or property:

The Italians wish to alter the sentence in the third paragraph referring to the arrest of a high officer or official of the Italian State, as follows:

"The Italian Government or the competent superior local authorities shall be requested to cooperate in the steps which may be deemed necessary to proceed with" to be replaced by;

"The Italian Government or the competent superior local authorities shall be requested to take the steps which may be deemed necessary"

URGENTE



Ostuni, 23 marzo 1944

SEZIONE DI TRIBUNALE SUPREMO MILITARE  
PER LE TERRE LIBERATE

ALA COMMISSIONE ALLEATA DI CONTRO-  
TROLLO  
- Sottocommissione legale -  
Ufficio Maggiore HANNAFORD

Prot. N. 19/ U.P. Allegati

Risposto al foglio del

N.

OGGETTO: Direttive ai Tribunali Italiani nei processi per offese  
concernenti agli interessi alleati.-

Titolare per ogni lettera un solo argomento ed indicare nella risposta il numero di protocollo e l'ufficio cui si risponde.

Rispondo al foglio di codesto ufficio n. ACC/4011/L  
in data 18 marzo all'oggetto sopraindicato.

Quanto è stato concordato nella riunione del 6 cor-  
rente presso codesta Sottocommissione è stato da me comunica-  
to subito e al Ministero della Guerra e al f.f. Procuratore  
Generale Militare Generale Traina dal quale dipendono tutti  
i tribunali militari italiani.

Come ho già comunicato con mio foglio n. 11/U.P. in  
data 15 corrente mese diretto al Tenente Colonnello QUIN-SMITH  
le direttive di che trattasi sono già state emesse ed in corso  
di esecuzione.

Ad ogni modo ho comunicato subito al f.f. Procurato-  
re Generale Militare Generale Traina il foglio n. 4011 di co-  
desta Sottocommissione, affinché vi facesse subito le comuni-  
cazioni del caso.

Inoltre in questi giorni tanto io quanto il f.f.  
Procuratore Generale Militare Generale Traina abbiamo preso  
contatto col Maggiore inglese legale Franklin, rappresentante  
di codesta Sottocommissione per questa zona con sede a Taranto,  
al quale abbiamo riferito ampiamente in argomento.

Infine rappresento la necessità che, ad evitare ri-  
tardi e disagi, data la difficoltà delle comunicazioni a

Prot. N. 12/ U.P.

Allegati

Risposta al foglio del

N.

TROLIO

- Sottocommissione legale -  
Ufficio Maggiore HANNAFORD

OGGETTO: Direttive ai Tribunali Italiani nei processi per offese  
concernenti agli interessi alleati.

Trattare per ogni lettera un solo argomento ed indicare nella risposta il numero di protocollo e l'ufficio cui si risponde.

Rispondo al foglio di codesto ufficio n. ACC/4011/L  
in data 18 marzo all'oggetto sopraindicato.

Quanto è stato concordato nella riunione del 6 corrente presso codesta Sottocommissione è stato da me comunicato subito e al Ministero della Guerra e al f.f. Procuratore Generale Militare Generale Traina dal quale dipendono tutti i tribunali militari italiani.

Come ho già comunicato con mio foglio n. 11/U.P. in data 15 corrente mese diretto al Tenente Colonnello QUIN-SMITH le direttive di che trattasi sono già state emesse ed in corso di esecuzione.

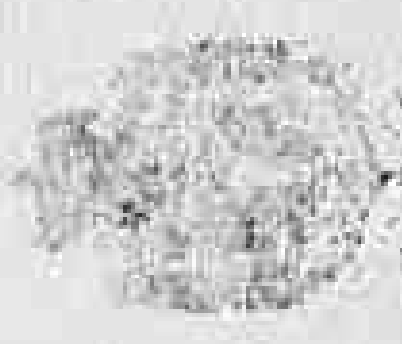
Ad ogni modo ho comunicato subito al f.f. Procuratore Generale Militare Generale Traina il foglio n. 4011 di codesta Sottocommissione, affinché vi facesse subito le comunicazioni del caso.

Inoltre in questi giorni tanto io quanto il f.f. Procuratore Generale Militare Generale Traina abbiamo preso contatto col Maggiore inglese legale Franklin, rappresentante di codesta Sottocommissione per questa zona con sede a Taranto, al quale abbiamo riferito ampiamente in argomento.

Infine rappresento la necessità che, ad evitare ritardi e disagi, data la difficoltà delle comunicazioni a sì grande distanza, che codesta Sottocommissione voglia pren-

../..

PROCLAMAZIONE



REPUBBLICA ITALIANA  
MINISTERO DELLA GIUSTIZIA  
UFFICIO DEL PROCURATORE GENERALE MILITARE

dere contatto diretto con il f.f. Procuratore Generale Militare del quale dipendono tutto il funzionamento della Giustizia Militare e tutti i nostri tribunali militari, chiamandolo a conferire direttamente a Salerno, per tutti gli ulteriori accordi del caso.

IL GENERALE DI CORPO D'ARMATA  
FRANCESCO  
(Camillo Mercalli)

*Handwritten signature*

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394.

ARP/gmf

12A

ACC/4011/L

20 March 1944.

SUBJECT: Offences against Allied Laws, etc.

TO : H.E. E. Casati, Minister of Pardon and Justice.

In Your Excellency's covering letter forwarding to this Subcommittee the draft of the directive on the above subject, it was suggested that in order to insure reciprocal application of the provisions of Article 15 of the Italian Military Penal Code, the Allied Military Authorities should inform the Italian Government of results of proceedings against Allied Military personnel having committed offences against Italian military personnel or property.

An examination of the procedure involved reveals that it would not be practicable to have all the various military formations of different nationality now in the field render automatically the required returns.

It is suggested, therefore, to avoid complications and delays that whenever cases of particular importance arise which may be of special interest to the Italian authorities, this Subcommittee be advised so that the necessary steps may be taken to procure the required particulars.

It is hoped that this solution will be acceptable to the Italian authorities and in this case Your Excellency's confirmation will greatly oblige.

*G. R. Upjohn*  
G. R. UPJOHN, Colonel  
Chief Legal Officer.

## MEMORANDUM

## OFFENCES AGAINST ALLIED PERSONNEL AND PROPERTY

1. On many occasions Allied Military Authorities have insisted that special measures be taken by Italian Court officials in order to cope with the steadily increasing number of offenders against Allied property in unoccupied territory.
2. The Minister of Justice has issued a few days ago, at the request of this sub-commission, a strong directive to Procuratori Generali and Procuratori del Re' instructing them to give absolute priority to trial of cases affecting Allied interests in territories under Italian administration. This directive is very comprehensive and ought to meet the requirements of the Military Authorities in relation thereto.
3. A similar directive has been or is about to be issued by the General, Head of the Italian Supreme Military Court in connection with trials of a similar nature which will be held before Italian Military Courts in pursuance of the agreement reached in this connection, at the meeting of 7 March between the Minister, the General and this sub-commission.
4. In his covering letter when forwarding to this sub-commission the draft of the directive above referred to, the Minister suggested that it would be equitable "in order to ensure the uniform application of the provisions of Art 15 of the Penal Military Code of Italy," that inasmuch as both the Italian Civil and Military judicial authorities had agreed to inform the Allied authorities of the result of all trials of offenders having committed offences against allied personnel or property, the Allied judicial authorities should in turn, inform the Italian government of "the results of proceedings against Allied Military personnel having committed offences," "obviously very rare, against Italian Military personnel or property."
5. The text of article 15 CMG under which such Italian offenders, whether military or civilian, can be tried by Italian Military Courts reads as follows:
- "(Soldiers of Allied States or of States associated in the war)  
'According to the Penal Military War Laws, the crimes committed by Italian soldiers or by persons not belonging to the armed forces of the Italian State, against the soldiers or against the armed forces of an Allied State, are considered as if committed against the soldiers or against the armed forces of the Italian State. The observance of this rule depends upon the condition that the Allied State guarantees the same penal protection to the soldiers and to the armed forces of the Italian State.  
'For the purposes of the provisions of this code, under the term 'Allied State' is comprised also the State associated in the war.'"
6. The Minister's request appears at first sight to be legitimate, but as Allied Forces will try in their respective courts-martial, their own personnel who may commit unwarranted acts against the Italian, it is suggested that the GOC in C be approached in order to find out whether the Military authorities will agree to inform the Minister of Justice through the Allied Control Commission, of the results of such trials.

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HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
AFO 394

ACC/4011/L

19 March 1944.

SUBJECT: Offences against Allied Forces.

TO : HLO Region 3 (thru HQ).

1. The attached list has been forwarded by an official of the Italian Ministry of Justice calling attention to the fact that there are at present 15 persons detained in the Salerno jail at the orders of the Allied F.S.S. awaiting clarification of their position. Of this number 3 have been in arrest since Sept. 1944, 9 since Oct. 1943 and 3 since Dec. 1943.

2. The list, in addition to giving the information known to them as to each case, contains a footnote in connection with the part played by the detainees' defence counsel, Avvocato Petti, who alleged to have made an appointment with Sig. Zaniboni to see a Major Rafter in order to obtain by 1 March a definite reply as to when these cases would be filed, but that nothing has been received so far by the prisoners. If their story be true the activities of Sig. Petti seem to call for investigation.

3. In view of the constant pressure exercised at the request of the military authorities by this Subcommittee upon the Minister of Justice, stressing the urgent necessity of expediting and making effective trials of Italians for offences against Allied personnel and property (Directive of Minister of Justice of 8 March 44 to all Italian Public Prosecutors in occupied territory - circulated under cover of this office letter ACC/4011/L dated 12 March 44 to all Regions and Districts), the list in question, on the face of it, reveals an absurd situation, clearly proving that the efforts of the ACC are being stultified, not through the negligence or inertia of any local official, but of our own military personnel, and it may be assumed that it has been forwarded by the Minister of Justice with this point in mind.

Please take immediate steps to investigate the reasons for these delays, reporting results and nature of action taken in each case to this office.

A copy of this letter and of the list has been sent to HQ Region 2 for information, as being concerned with these cases at the date of identification.

G. R. Waples

G. R. Waples  
Colonel  
Chief Legal Officer.

Copy to:

~~Chief Commissioner~~  
~~Executive Secretary~~

HLO Region 2 (thru HQ) for information.

19 March 1944.

SUBJECT: Offences against Allied Forces.

TO : HLC Region 3 (thru HQ).

1. The attached list has been forwarded by an official of the Italian Ministry of Justice calling attention to the fact that there are at present 15 persons detained in the Salerno jail at the orders of the Allied F.S.S. awaiting clarification of their position. Of this number 3 have been in arrest since Sept. 1944, 9 since Oct. 1943 and 3 since Dec. 1943.

2. The list, in addition to giving the information known to them as to each case, contains a footnote in connection with the part played by the detainees' defence counsel, Avvocato Retti, who alleged to have made an appointment with Sig. Zeniboni to see a Major Raftier in order to obtain by 1 March a definite reply as to when these cases would be filed, but that nothing has been received so far by the prisoners. If their story be true the activities of Sig. Retti seem to call for investigation.

3. In view of the constant pressure exercised at the request of the military authorities by this Subcommission upon the Minister of Justice, stressing the urgent necessity of expediting and making effective trials of Italians for offences against Allied personnel and property (Directive of Minister of Justice of 8 March 44 to all Italian Public Prosecutors in occupied territory - circulated under cover of this office letter ACC/4011/L dated 12 March 44 to all Regions and Districts), the list in question, on the face of it, reveals an absurd situation, clearly proving that the efforts of the ACC are being stultified, not through the negligence or inertia of any local official, but of our own military personnel, and it may be assumed that it has been forwarded by the Minister of Justice with this point in mind.

Please take immediate steps to investigate the reasons for these delays, reporting results and nature of action taken in each case to this office.

A copy of this letter and of the list has been sent to HQ Region 2 for information, as being concerned with these cases at the date of incarceration.

9

*G. R. Wajner*

G. R. Wajner

Colonel

Chief Legal Officer.

COPY to: ~~Chief Commission~~~~Executive Committee~~

HLC Region 2 (thru HQ) for information.

RE READING ROOMS  
ALLIED CONTROL COMMISSION  
Legal Subcommission  
APO 594

File

100/4011/L.

12 March 1944.

SUBJECT: Directive from the Minister of Justice in regard to offences against Allied Forces and Property.

TO : See Distribution List.

1. Enclosed are copies of the translation of a directive from the Minister of Justice to Procuratori Generali and Procuratori del Re dated 8 March 1944 for the purpose of expediting and making effective trials of Italians for offenses against Allied personnel and property.

2. All personnel in your organization having to do with the arrest and subsequent trial of offenders in the Italian courts should be advised of the contents of the directive.

3. In order that the best results may be obtained from this effort Allied personnel should give the Italian law enforcement officials their fullest cooperation. It has sometimes happened that offenders are turned over to the Carabinieri without sufficient data on which charges can be based and without the names and addresses of the prospective witnesses. Also there have been delays in handing over offenders to the Carabinieri. This should be avoided.

4. A further directive in respect of proceedings before Italian Military Courts in the same connection will be forwarded to you as soon as received from the President of the Italian Supreme Military Court, General Morcalli.

*Richard H. Wheeler*  
RICHARD H. WHEELER  
Lt. Col. CAC  
Deputy Chief Legal Officer.

Distribution List:

|                             |          |     |
|-----------------------------|----------|-----|
| RLO (thru HQ)               | Region 1 | 1   |
| "                           | "        | 2   |
| "                           | "        | 3   |
| "                           | "        | 4   |
| "                           | "        | 5   |
| "                           | "        | 6   |
| HQ District 1               | -        | 10  |
| HQ District 2               | -        | 10  |
| HQ District 3               | -        | 10  |
| Public Safety Subcommission | -        | 20. |
| SIO 5th Army                | -        | 10  |
| SIO 8th                     | -        | 10  |

20 copies each for transmittal to every legal officer and to every legal liaison officer at the Courts of Appeal.

8

Translation: By Major Hanneford.

Salerno, 8 March 44

MINISTRY OF JUSTICE.

Central Office for Criminal Affairs.

SUBJECT: Directive in regard to proceedings for offences of any description committed against the Allied Governments, Allied forces and property.

To all Procuratori Generali -  
Procuratori del Re.

Attention has been drawn on previous occasions by circular directive from this Ministry to the Procuratori Generali to the fact that offences of theft especially to the detriment of Allied Forces were on the increase and it was recommended not only that the police be given strict instructions in relation to the necessity of preventing such thefts by exercising the greatest watchfulness, but also that pre-trial investigations be carried out with care and solicitude, always bearing in mind the gravity of the offence when having to take a decision with regard to the personal freedom of the accused.

It was also requested at the time that this Ministry be kept informed, as soon as the charges were known, of any theft of correspondence and other serious crimes affecting the Allied Forces, and also of the result of the inquiries and proceedings.

Now, at the request of the Allied authorities, the general instructions hereunder, (in addition to and in partial modification of previous directives) shall be followed for any offence committed against the Allied Governments, Forces and property.

In this respect, it must be remembered, that the Allied Military Police will inform at the same time the Allied Control Commission, the Royal Carabinieri (to whom prisoners shall be handed) and the Procuratore del Re of the names of the accused and of their offence.

As soon as such information is received, Procuratori del Re shall decide whether the offence committed falls within the jurisdiction of the Italian Military Courts or the ordinary Civil Courts, bearing in mind the provisions of Article 15 of the Italian Military Code of War, which this Ministry considers applicable in this connection.

As soon as the competence of the Civil Courts has been established the Procuratori del Re shall initiate penal proceedings forthwith and if necessary shall request from the Carabinieri a copy of the charge sheet (denuncia). The provisions of Article 31 of the Penal Code of Procedure shall be applied whenever the gravity of the offence renders it undesirable that such case be tried before a Pretorian Court and when possible the pre-trial proceedings shall be cut down to the minimum, the Procuratore availing himself of the short procedure (giudizio direttissimo).

Furthermore, the Procuratore shall make certain that these proceedings be given absolute priority during pre-trial investigations (istruttoria) and also in the lists, and that the findings be accurate and comprehensive, always remembering the gravity of such crimes which by interfering with the smooth running of the Allied services delays the achievement of the principal aim of the Italian State to drive the Germans out of Italy.

All decisions taken by the Procuratori as to proper jurisdiction, the results of pre-trial investigations and of the Court proceedings shall be communicated to the Allied Control Commission, to whom the Procuratori

To all Procuratori Generali -  
Procuratori del Re.

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Furthermore, the Procuratore shall make certain that these proceedings be given absolute priority during pre-trial investigations (istruttoria) and also in the lists, and that the findings be accurate and comprehensive, always remembering the gravity of such crimes which by interfering with the smooth running of the Allied services delays the achievement of the principal aim of the Italian State to drive the Germans out of Italy.

All decisions taken by the Procuratori as to proper jurisdiction, the results of pre-trial investigations and of the Court proceedings shall be communicated forthwith to the local Allied Legal Officer, to whom the Procuratori del Re may refer whenever they deem it useful during the investigations and trial, especially in regard to the actions of the police and the examination of their evidence.

Furthermore the Allied Control Commission have expressed the wish that provisional liberty (except under special circumstances) should not be granted for the offences in question or, that proper security be obtained in order to ensure that defendants shall not escape the law.

This request is perfectly legitimate because not only is the Commission personally interested in the punishment of such offenders but also it corresponds with the views of this Ministry in regard to the gravity of these crimes. Procuratori del Re are therefore urged, in cases when the granting of provisional liberty is optional, to make full use of their discretionary powers in this connection.

Finally in modification of previous instructions Procuratori Generali are requested to forward to this Ministry at the end of every month, a list of such cases, which have been tried in their district indicating the result of each proceedings and also a nominal roll of matters pending, either before the examining judge or the Court, giving the reasons why specific cases have not reached finality within the maximum time limit of two months after the notification from the Allied police has been received.

The Minister.  
E. CASATI.

This request is perfectly legitimate because not only is the Commission personally interested in the punishment of such offenders but also it corresponds with the views of this Ministry in regard to the gravity of these crimes. Procuratori del Re are therefore urged, in cases when the granting of provisional liberty is optional, to make full use of their discretionary powers in this connection.

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The Minister.  
E. CASATI.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4011/L.

GCH/rlp.

10 March 1944.

SUBJECT : Directives to Procuratori Generali with a view to speeding up trials of offenders having committed offenses against members of the Allied Forces or Allied Military property.

TO : H. E., the Minister of Justice.

1. Receipt is acknowledged with thanks of your Excellency's letter of 8th inst., together with the copy of the directive forwarded to the Procuratori Generali in respect of the above mentioned subject.

2. The text of this directive appears to cover the requirements of the Allied Military Authorities in this connection. On the other hand Your Excellency may rest assured that any offences which may be committed by members of the Allied Forces against Italian Military personnel or property shall be dealt with expeditiously by the Allied Military Authorities.

3. As Your Excellency is no doubt aware neither ACC nor AMG have jurisdiction over Allied Military personnel, who are tried, as in the Italian Army, by Court Martials. However, a request will be forwarded to proper quarters in order to obtain communication to this Hq of the results of proceedings against members of the Allied Forces charged with the Commitment of offences against Italian Military personnel. If the Allied Military authorities see no objection to this procedure and agree to such communication being made, it will be in turn forwarded to Your Excellency.

G. G. HANNAFORD,  
Major,  
Officer i/c Italian Section,  
for Chief Legal Officer.

subject. Directives concerning procedure are  
 attached. I am meeting officials of my kind  
 in the city. (6)  
 I am writing the official  
 letter on 6 inst. I forward it to you  
 for the required approval of your  
 Commission, and before then meeting  
 at the Provisional General Assembly  
 the proposed directives in connection  
 therewith.

In order to ensure the uniform application of the provisions of art 15 of CPMG, I would be most grateful if the Allied Administration would agree to communicate the result of proceeding against Allied Military personnel having committed offences, ~~that~~ ~~are~~ should extremely rare, against British Military personnel -

## ② TRANSLATION

4011

## MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE AFFARI PENALI  
UFFICIO 12

Protoc. N. 29021

Resp. al foglio N. \_\_\_\_\_

del \_\_\_\_\_

Salerno li, 8 MAR 1944

**OGGETTO:** Istruzioni relative ai procedimenti per reati di qualsiasi specie, commessi in danno dei Governi Alleati e delle loro Forze Armate, nonché degli appartenenti ai detti Governi e Forze.

ALLA COMMISSIONE ALLEATA DI CONTROLLO  
( Sottocommissione Legale )

S A L E R N O

In corrispondenza a quanto si è stabilito nell'incontro del 6 c.m., trasmetto, per l'opportuna visione di codesta Commissione, e prima di rimetterla ai Procuratori Generali ed ai Procuratori del Re, l'acclusa circolare relativa alle istruzioni in oggetto.

In relazione, poi, alla concordata applicazione dell'art. 15 C.P.M.G., sarà grato se le Autorità Alleate vorranno disporre perché sia comunicato a questo Ministero l'esito degli eventuali procedimenti, senza dubbio ben cari, relativi a reati commessi da militari alleati in pregiudizio dei militari italiani.

IL MINISTRO

Protoc. N. 29021

Risp. al foglio N.

del

Salerno li, 8 MAR 1944

**OGGETTO:** Istruzioni relative ai procedimenti per reati, di qualsiasi specie, commessi in danno dei Governi Alleati e delle loro Forze Armate, nonché degli appartenenti ai detti Governi e forze.

ALLA COMMISSIONE ALLEATA DI CONTROLLO  
( Sottocommissione Legale )

S A L E R N O

In corrispondenza a quanto si è stabilito nell'incontro del 3 c.m., trasmetto, per l'opportuna visione di codesta Commissione, e prima di rimetterla ai Procuratori Generali ed ai Procuratori del Re, l'acclusa circolare relativa alle istruzioni in oggetto.

In relazione, poi, alla concordata applicazione dello art. 15 C.P.M.G., sarà grato se le Autorità Alleate vorranno disporre perchè sia comunicato a questo Ministero, <sup>5</sup> e a to degli eventuali procedimenti, senza dubbio tenervi, relativi a reati commessi da militari alleati in pregiudizio dei militari italiani.

IL MINISTRO

*[Handwritten signature]*

# MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE AFFARI PENALI  
UFFICIO 12

25022

Protoc. N.

Risp. al foglio N.

del

Salerno li, - 8 MAR 1944

**OGGETTO:** Istruzioni relative ai procedimenti per reati, di qualsiasi specie, commessi in danno dei Governi Alleati e delle loro Forze Armate, nonché degli appartenenti ai detti Governi e forze.-

ALLE LL.EE. I PROCURATORI GENERALI

ED AI SIG/RI PROCURATORI DEL RE

Con precedenti circolari richiamavo l'attenzione dei Procuratori Generali sul continuo aumento dei reati di furto, in specie di corrispondenza, commessi in danno delle Forze Armate Alleate, e li pregavo di dare le opportune disposizioni perché, non solo fosse usata dalla dipendente polizia giudiziaria la maggiore vigilanza atta ad impedire la consumazione dei furti e ad assicurare, in ogni modo, i responsabili alla giustizia, ma perché ancora la istruttoria fosse condotta con sollecitudine ed accuratezza, e si tenesse conto della particolare gravità dei reati nel provvedere sulla libertà personale degli imputati.

Chiedevo, inoltre, di essere tenuto informato di ogni denuncia di furto di corrispondenza, e di ogni altro furto di una certa entità, commesso in danno delle Forze Alleate, non appena le denunce pervenissero alla Autorità giudiziaria, e di essere, altresì, tenuto informato, non appena possibile, dell'esito della istruttoria e del giudizio.

Ora, aderendo alle richieste delle Autorità Alleate, prego di volere osservare, in aggiunta ed a parziale modifica delle su richiamate circolari, le seguenti disposizioni per tutti i processi relativi a reati, di qualsiasi specie, che siano commessi in pregiudizio dei Governi Alleati, delle loro Forze Armate e degli appartenenti ai detti Governi e Forze.

All'uopo è, innanzi tutto, da tener presente che, giu sta quanto viene riferito dalla Commissione Alleata di Controllo, la Polizia alleata, mentre trasmetterà ai RR.CC. tutte le denunce redatte, consegnando alla stessa Arma gli arrestati, rimetterà ai Procuratori del Re una segnalazione della denuncia col nome dell'imputato e con l'indicazione del reato commesso.

I Procuratori del Re, non appena riceveranno la segna-

25022

Protoc. N.

Risp. al foglio N.

del

Salerno li, - 8 MAR 1941

OGGETTO: Istruzioni relative ai procedimenti per reati, di qualsiasi specie, commessi in danno dei Governi Alleati e delle loro Forze Armate, nonché degli appartenenti ai detti Governi e forze.-

ALLE LL.EE. I PROCURATORI GENERALI  
ED AI SIG/RI PROCURATORI DEL RE

Con precedenti circolari richiamavo l'attenzione dei Procuratori Generali sul continuo aumento dei reati di furto, in specie di corrispondenza, commessi in danno delle Forze Armate Alleate, e li pregavo di dare le opportune disposizioni perché, non solo fosse usata dalla dipendente polizia giudiziaria la maggiore vigilanza atta ad impedire la consumazione dei furti e ad assicurare, in ogni modo, i responsabili alla giustizia, ma perché ancora la istruttoria fosse condotta con sollecitudine ed accuratezza, e si tenesse conto della particolare gravità dei reati nel provvedere sulla libertà personale degli imputati.

Chiedevo, inoltre, di essere tenuto informato di ogni denuncia di furto di corrispondenza, e di ogni altro furto di una certa entità, commesso in danno delle Forze Alleate, non appena le denunce pervenissero alla Autorità Giudiziaria, e di essere, altresì, tenuto informato, non appena possibile, dell'esito della istruttoria e del giudizio.

Ora, aderendo alle richieste delle Autorità Alleate, prego di volere osservare, in aggiunta ed a parziale modifica delle su richiamate circolari, le seguenti disposizioni per tutti i processi relativi a reati, di qualsiasi specie, che siano commessi in pregiudizio dei Governi Alleati, delle loro Forze Armate e degli appartenenti ai detti Governi e Forze.

All'uopo è, innanzi tutto, da tener presente che, giusta quanto viene riferito dalla Commissione Alleata di Controllo, la Polizia alleata, mentre trasmetterà ai R.R.CC. tutte le denunce redatte, consegnando alla stessa Arma gli arrestati, rimetterà ai Procuratori del Re una segnalazione della denuncia col nome dell'imputato e con l'indicazione del reato commesso.

I Procuratori del Re, non appena riceveranno la segnalazione, provvederanno a stabilire se il reato sia di competenza dei Tribunali Militari o dell'Autorità Giudiziarie ordinaria, ed all'uopo terranno presente anche il disposto dell'art. 15 del C.P.M.G., che questo Ministero ritiene applicabile nella fattispecie.

# MINISTERO DI GRAZIA E GIUSTIZIA

Protoc. N. ....

Risp. al foglio N. ....

del .....

OGGETTO:

Nel caso, poi, che la competenza spetti all'Autorità Giudiziaria ordinaria, i Procuratori del Re promuoveranno subito l'azione penale, solleciteranno eventualmente i RR.CC. per la trasmissione della denuncia, faranno opportuno uso del cpv. dell'art. 31 C.P.P.; si da evitare che reati di una certa entità siano giudicati dal Pretore, procederanno, ove sia possibile, al giudizio per direttissime, ed, in ogni modo, cureranno che all'istruttoria e al giudizio dei detti processi sia data assoluta precedenza, in modo che la definizione sia sollecita ed accurata, in corrispondenza con la gravità dei reati, che incidono sulla regolarità del servizio dei governi ai leati e sul raggiungimento di uno dei precipi finì che persegua lo Stato italiano:

scacciare il tedesco dal sacro suolo della Patria.

Dei provvedimenti dati sulla competenza e dell'esito dell'istruttoria e del giudizio sarà tenuto informato l'Ufficio le alleato legale del posto, al quale gli stessi Procuratori del Re si potranno rivolgere per ogni utile informazione che possa agevolare l'istruttoria e il giudizio, in ispecie per quanto concerne gli atti compiuti dalla polizia giudiziaria e l'eventuale esame dei verbalizzanti.

Ha, poi, la Commissione Alleata di Controllo espresso il desiderio che, per i reati in parola, non sia concessa la libertà provvisoria, tranne che concorrano particolari circostanze, nel qual caso il beneficio dovrebbe essere subordinato alla prestazione di congrua cauzione, che assicuri l'adempimento da parte dell'imputato degli obblighi di legge.

Trattasi, evidentemente, di un desiderio legittimo poiché, non solo proviene da chi è direttamente interessato alla repressione dei reati in oggetto, ma corrisponde, ancora, alla su rilevata gravità dei reati stessi. E perciò ritengo opportuno portarlo a conoscenza, in ispecie dei Procuratori del Re, perché sia tenuto nel debito conto, allorché, nei casi in cui è facoltativa la concessione della libertà provvisoria, il magistrato dovrà fare uso dei poteri discrezionali accordatigli dalla legge per la concessione o meno del beneficio.

A modifica, infine, delle precedenti circolari, prego i Procuratori Generali di volermi trasmettere, alla fine di ogni mese, un elenco nominativo dei procedimenti in oggetto, definiti dagli uffici giudiziari del distretto, indicandone per ciascuno l'esito, nonché un elenco nominativo dei processi pendenti, in istruttoria o in giudizio, da oltre due mesi dalla data della segnalazione della polizia alleata, con la precisa indicazione delle ragioni della ancora non avvenuta definizione.

Protoc. N.

Risp. al foglio N.

del

## OGGETTO:

Nel caso, poi, che la competenza spetti all'Autorità Giudiziaria ordinaria, i Procuratori del Re promuoveranno subito l'azione penale, solleciteranno eventualmente i R.C.C. per la trasmissione della denuncia, faranno opportuno uso del c.p.v. dell'art. 31 C.P.P., si da evitare che reati di una certa entità siano giudicati dal Pretore, procederanno, ove sia possibile, al giudizio per direttissimo, ed, in ogni modo, cureranno che all'istruttoria e al giudizio dei detti processi sia data assoluta precedenza, in modo che la definizione sia sollecita ed accurata, in corrispondenza con la gravità dei reati, che incidono sulla regolarità del servizio dei governi al leati e sul raggiungimento di uno dei precipi finì che perseguono lo Stato italiano:

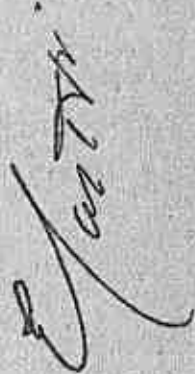
scacciare il tedesco dal sacro suolo della Patria.  
Dei provvedimenti dati sulla competenza e dell'esito dell'istruttoria e del giudizio sarà tenuto informato l'Ufficio le alleato legale del posto, al quale gli stessi Procuratori del Re si potranno rivolgere per ogni utile informazione che possa agevolare l'istruttoria e il giudizio, in ispecie per quanto concerne gli atti compiuti dalla polizia giudiziaria e l'eventuale esame dei verbalizzanti.

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I L M I N I S T R O



4011 (2)  
Tang - 611 68 1/2 p.c.  
Rafael = 500 c.p.c.  
Cortez = 629 c.p.c.  
Punigra = 638 c.p.c.

Labstaggio = 188 c.p.m.g. (changed)  
144 c.p.m.g. -  
263 c.p.m.g. -

ant 310.  
cut 246  
247 248 249 250 251  
252  
253  
254  
260  
261  
262 cc  
266  
267  
— 510 cc

left in Italian  
Penal Code. 2

B 1

~~Penal Code for War~~  
~~Penal Code of War~~  
 Art. 15

4011 (1)

(Soldiers of Allied States or of States associated in the war)

*In the purpose of*

According to the Penal Military War Law, the crimes committed by Italian soldiers or by persons not belonging to the armed forces of the Italian State, against the soldiers or against the armed forces of an Allied State, are considered as if committed against the soldiers or against the armed forces of the Italian State. The observance of this rule depends upon the condition that the Allied State <sup>guarantees</sup> ~~grants~~ the same penal <sup>protection</sup> ~~tutelage~~ to the soldiers and to the armed forces of the Italian State.

*For the purposes of provisions*

As relating to the orders of this code, under the term "Allied State" is comprised also the State associated in the war.

1860

MINISTERO DELLE CORPORAZIONI

*[Faint handwritten text, possibly a signature or date]*

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