Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/142/172
(VOL. I)

MINUTES OF M
JAN. - NOV. 19

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10000/142/172
(VOL. I)

MINUTES OF MEETINGS WITH THE ITALIAN GOV'T
JAN. - NOV. 1944

4013/3

MINUTES OF MEETING HELD ON 1 NOVEMBER 1944.

Present :

Col. Behrens
Lt.Col.Hannaford
Lt.Col.Thackrah
S/Sgt.Stein.

E.E.The Minister
Dott. Bonelli,

Meeting opened at 1135.

1. Naples Courts, Sig. LIBONATTI and Sig. MINERVINI.

Lt.Col.Hannaford stresses the desire of the Naples AC authorities to keep Sig.LIBONATTI in his position as First President despite the fact that he passed the age limit; Sig.MINERVINI should also be kept in Naples due to his thorough knowledge of the "ambiente" and his fine qualities. As to LIBONATTI the Minister replies that in the interest of the prestige of the Ministry the Sub-Commission should not insist upon maintaining him in office. But he will be considered for another appointment under the decree to be published shortly permitting the President of the Council to recall into service retired magistrates.

As for MINERVINI he cannot be promoted as his promotion would require to "jump" 107 other judges who are listed before him on the graduatoria.

However, Minervini will stay in Naples as Avvocato Generale. Sig. [illegible] will be Procuratore Generale. Sig. [illegible], at present President of Court of Assises at Naples, will take Sig.LIBONATTI's place as First President. Sig. [illegible] was to go officily but has refused.

2. Method of transfers and promotions.

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The Minister states that although he could lawfully disregard the order of magistrates appearing in the "graduatoria" he does not wish to exercise this power in order to avoid any suspicion of favouritism. Lt. Col.Hannaford states that any kind of outside interference in matters of promotion and transfer should be avoided; where the Courts are working in a satisfactory way the least possible changes should be made pending the present war emergency. A serious case of collusion acceptance of bribes and abuse of official power involving the Procuratore del Regno of S.Maria Capua Vetere is reported to the Minister who promises immediate investigation; another similar case of pretore in the Naples area is mentioned by the AMCLA. The Sub-Commission will forward a detailed information to the Ministry.

3. Court of Appeal [illegible].

The Minister confirms that the President of the Bari Court of Appeal was instructed to send a President and a Consigliere to Lucera.

4. President of the Court of Appeal Ancona, [illegible].

The Minister states that although an epuration proceeding was initiated against [illegible] he has not been suspended and for that reason the charges probably are not too serious.

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Meeting opened at 1125.

1. Naples Courts, Sig. [illegible] and Sig. [illegible].

Lt.Col.Hannaford stresses the desire of the Naples AC authorities to keep Sig.[illegible] in his position as First President despite the fact that he passed the age limit; Sig. [illegible] should also be kept in Naples due to his thorough knowledge of the "ambiente" and his fine qualities. As to [illegible] the Minister replies that in the interest of the prestige of the Ministry the Sub-Commission should not insist upon maintaining him in office. But he will be considered for another appointment under the decree to be published shortly permitting the President of the Council to recall into service retired magistrates.

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The Minister states that although an Epuration proceeding was initiated against [illegible] he has not been suspended and for that reason the charges probably are not too serious.

5. Magistrates POWs.

The Minister requests CLA to intervene at the competent Authority to obtain preference for the repatriation of magistrates. The CLA promises to do his best and confirms that the Ministry may forward further lists.

6. Trial of a band of criminals at [illegible].

A memorandum is handed to the Sub-Commission.

Meeting closed at 1215.

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A/CLT

MINUTES - MEETING HELD ON 25 OCTOBER 19

ES/pe.

ACC/4013/3/L.

Present :

Col. Behrens — U.N.The Minister
Lt.Col.Grossman — Dott.Bonelli.
Lt.Col. Hannaford
Lt.Col.Thacker
S/Sgt.Stein .

Meeting opened at 1115.

1. Rules for execution of the Jewish Property Decree.

A/CLA expresses the wish that necessary rules be prepared at once. The Minister points out that this matter is within the jurisdiction of the Presidency of the Council but promises that as far as his Ministry is concerned he will do all within his power.

2. Court of Appeal LUCERA.

The Minister promises to instruct the Court of Appeal Bari to send a judge to Lucera; the senior judge will preside pending the epuration of Sig. CHIERTO and an appointment of a new President. A/CLA requests that all vacancies at Lucera be filled as the Courts do not function properly. The Minister promises to do so.

3. Personnel in general.

The Minister hopes that before the end of the year the epuration of the judiciary will be completed; he is satisfied with the work of the Epuration Commission for the judiciary. A/CLA insists that emergency steps should be taken for recruitment of new personnel. The Minister states that he is studying the possibility of a competitive examination to be held before the end of the epuration possibly on a regional basis.

-70

4. Paper supply shortage at Taranto and Aquila Courts.

The Minister states that the Provveditore Generale dello Stato is in charge of the above and the Ministry has applied to him for immediate remedy. As to the other materials needed in the offices the Ministry requested the Minister of Treasury to increase the allowances earmarked for the purchase of such materials.

5. CONTINO Case - AMG prisoner temporarily released without ACC consent.

The Minister explains that Contino was upon authorization of the Ministry permitted to participate under supervision in some agricultural work and was immediately returned to prison when it appeared that while on libert he committed another offence.

Lt.Col. Hannaford stresses that such case particularly in Sicily is a very dangerous one and must not occur again.

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Lt.Col. Hannaford stresses that such case particularly in Sicily is a very dangerous one and must not occur again.

6. Procuratore del Regno JACOBUCCI, Teramo.

The Minister decided that this official will be transferred to PATTI, Sicily.

7. AMG Appointees in Sicily.

Lt.Col.Hannaford emphasizes the outstanding qualities of Cons. LE CECLA

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especially in combatting the Mafia. The Minister promises to do everything possible under Italian law to maintain AMG appointees in their present positions especially so in Catania.

C. List of proposed transfers.

The Minister hands to A/CAA a list of transfers proposed through Procuratori Generali to RLOs; the Minister requests our intervention that approval be given at soonest.

9. Dott.GRECO Salvatore.

The Minister informs the Sub-Commission that the above was vice-secretary of the fascio at LICATA and was removed from office by the Italian Government.

10. Interpretation of Decree No. 194 on limitations of cases of obligatory arrest.

The Minister reports that he has requested explanation from Bari and should it appear that in disregard of Art.2 arrests were not made although the law made them obligatory he will issue appropriate instructions.

Meeting closed at 1215.

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MINUTES OF MEETING HELD ON 18 OCTOBER 1944.

4013/3/L
ACC/~~4013/3/L~~

SS/pa.
19 Oct 44.

Present :

CLA
DCLA
Lt. Col. Hannaford
Lt. Col. Thackrah
S/Sgt Stein.

H.M. The Minister
Dott. Monelli.

Meeting opened at 111p.

1. Control of draft decrees.

CLA requests the Minister to suggest the best method to eliminate difficulties arising out of the fact that legislation is being published without previous reference to ACC. The Minister stresses that this matter is outside of his jurisdiction but suggests that the President of the Council might be requested to instruct all Ministers to refer all draft laws to their respective Sub-Commissions before such drafts are brought in the Council of Ministers.

After some discussion the Minister proposes that the President be approached by ACC with view of having all drafts before their consideration by the Council sent by the Presidency either directly to the Legal Sub-Commission or to the Minister of Justice who could forward them to the Legal Sub-Commission; the first and direct method would be faster. CLA states that the Prime Minister will be asked to issue appropriate instructions to the Presidency. It is understood that if a draft is then changed in the Council, it will be again referred to Legal Sub-Commission before it is published.

2. Appointment of a new Italian member to the Mixed Tribunal of Tangeri.

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CLA requests that a new appointment be made of a substitute of the present judge. The Minister agrees that he will select a candidate and if he is agreeable to us the Minister will make the necessary proposal to Ministry for Foreign Affairs. [illegible]

3. Reorganization of legal professional organizations.

The Minister reports that free organizations along the professional lines have in fact already been formed throughout liberated Italy. The draft law which will legalize these de facto organizations is now being considered by Consiglio degli Avvocati.

Meeting closed at 111p.

MINUTES OF MEETING HELD ON 12 SEPTEMBER 1944.

DCLA

ES/pe.
15 Oct 44.

AC/4013/3/L.

Present : CLA
DCLA
Lt. Col. Thackrah
S/sgt. Stein

H.E. The Minister
Dott. Bonelli.

Meeting opened at 1115.

1. Relations between Sub-Commission and Ministries.

The Minister reports that he advised the Council that other Ministers should model their relations with Sub-Commissions on the pattern established by him and the Legal Sub-Commission. CLA remarks that the Ministers are obtaining the approval by the Council of draft legislation before they discuss it with their Sub-Commissions; matters which the individual Minister may deem not to concern the A.C.C. may in fact be of interest for the Allies.

2. Extension of the time limits from 7 to 20 days for holding a person without warrant of arrest. (Decree No.45 of 1944.)

CLA has no objection against such extension requested by Minister of Interior on the ground of difficulties of transport and communications; however, he suggests that the decree should expressly state that it is a temporary and emergency measure. Minister agrees.

3. Particulars of persons sentenced by AMG communicated to Ministry.

The Minister wishes that the returns show also the name of the father and if possible of the mother of the sentenced person and the date and place of his birth. DCLA promises to issue necessary order.

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4. Contributions of Communes toward the maintenance of judicial offices.

Minister solicits CLA's intervention to obtain a repeal of the ACC order blocking the above contributions. CLA promises to do his best.

5. Magistrates at Naples and personnel in general.

The Minister thanks for CLA's intervention at Naples in the matter of enforcement of Minister's policy on retirements of officials. CLA again expresses his concern as to the present and future shortage of magistrates due to retirements, separation and to the fact that no steps are being taken to recruit new personnel. The Minister replies that when all promotions are gradually made starting from the top to the bottom as is planned he will be able to determine the number of vacancies in lowest grades and prepare recruitment by competitive examinations. At peace time it would take about a year between the announcement of the recruitment and the actual assumption of office of the new judges. After some discussion the Minister agrees that he will at once consider a possibility to proceed with the recruitment without delay; the one year period could be shortened to some extent. The Minister feels that there shall not arise any acute shortage of magistrates.

6. Draft Decree on composition of the Courts of Assises.

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2. Extension of the five to ten days for holding a person without warrant of arrest. (Decree No.4 of 1944.)

CLA has no objection against such extension requested by Minister of Interior on the ground of difficulties of transport and communications; however, he suggests that the decree should expressely state that it is a temporary and emergency measure. Minister agrees.

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6. Draft Decree on composition of the Courts of Assizes.

CLA approves the draft.

7. Draft Decree on admission to the bar.

Lt. Col. Thackrah raises several questions in respect of the provisions of this law; he is satisfied with Minister's explanation and the draft is approved. The Minister states that general examinations for procuratori and avvocati will be held in January 1945 and the admission will not be limited for

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those who complied with the requirements as it was in prefascist days.

8. Tribunals at Taranto.

Lt.Col.Thackrah states that this Court needs a radical cleaning up and reinvigorating; we will write a letter on this subject .

9. Interpretation of Decree No.194 of 1944 on "arresto".

Lt. Col. Thackrah complains that the Proc.Gen. of Bari interprets the law as excluding arrests in cases of less important offences even where committed by habitual criminals etc. The Minister regrets that he cannot issue a circular to Proc. Gen. or judges on this subject as this would constitute a direct interference but he will be glad to consider individual cases where an obvious error in the application of the law has occurred.

10. Notice of publication.

CLA requests advance notice before the following decrees are published in Gazzetta Ufficiale :

(a) Exploitation of uncultivated agricultural land.

(b) Appointment of Commissioners for monuments and fine arts in Florence.

11. Authorization by the Ministry to proceed against Sindaco GUARINA (Agrigento) under amnesty law.

The Minister states that according to his information GUARINA acted without criminal intent and the questionable decree was prepared in his absence; for this reason he is unable to authorise the proceeding.

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12. Reserve pool of judges for Northern Provinces.

The Minister mentions that he discussed this matter with Avv. [illegible] of AMG, Pesaro. He presents a list of magistrates belonging to Courts in Northern Provinces and stranded in Central and Southern Italy.

Meeting closed at 1935.

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ROMA 151, 28 sett. 1944

GENERAL STAFF
Office for Miscellaneous Matters

Prot. No. 105507/AV

TO : The Chief Legal Office AOI
(ref. AOI 40/3/L of 11 inst.)

Urgent

SUBJECT : Modification of the penal military justice of war.

I wish to thank you for your information which you were kind enough to forward to me in your above mentioned letter concerning the topics discussed by the representatives of the Legal Sub-Commission with the delegate of the Ministry of War and the Ministry of Marine and Aviation in the meeting held on 2 sept 1944.

While I have already issued the order in respect of the reopening of the Military Territorial War Tribunal of Rome, I wish, in the interest of a better collaboration, to respectfully draw your attention to the fundamental provisions governing the modification of the Italian penal military justice of war, to the extent.

There is a common administration of penal military justice of war for the three branches of the Armed Forces (Army, Navy, Air Force); it is subject to the control of the Supreme Commander.

The Supreme Commander has delegated in his proclamation of 1 aug 1943 all the powers conferred upon him by law in this field to the Chief of the General Staff.

By virtue of the aforesaid provisions the Chief of the General Staff has the exclusive power to modify by proclamations the

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penal military law of war as well as the procedure and the organization of judicial military offices; to set up military tribunals in zones where state of war was declared; to determine the seat and the territorial limits of jurisdiction of such tribunals; to appoint, transfer, recall the presidents, magistrates and recorders.

In the exercise of such powers the Chief of the General Staff is advised by the Military Procurator General at the Supreme Military Tribunal.

In view of the above legislative provisions the Legal Sub-Commission will doubtless agree that in the interest of a more rapid and regular settlement of any matter concerning the administration of military justice it would be more useful to apply directly to the office invested with all the necessary powers to take a decision and to carry out such decision.

I shall therefore appreciate it if the officers of the Legal Sub-Commission would please contact the General Staff for the purpose of examining the principal questions as they might arise and of resolving them in the light of the present circumstances and with due regard to the requirements of the administration of military justice, in a spirit of a complete and cordial collaboration which no doubt will foster the solution of all the problems pertaining to the organization and operation of the military justice of war.

It will then be my responsibility to take the necessary steps for putting into effect the agreements reached.

May I take advantage of this opportunity to send you my kindest regards.

MARSHAL OF ITALY
Chief of the General Staff
(Giovanni Messe)

s/ Messe

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4013/3.L. /ap.

28 September 1944.

TO : Regional Legal Officer, Southern Region.

1. Reference conversation on the 21st September (Col. Wilmer-Lt.Col.Dawson)

2. I took up with the Minister of Justice yesterday your observation upon the vast amount of writing required of judges which was consuming time that could otherwise be used for trial work. The Minister said no change could be made inasmuch as records in the prescribed form had to be prepared to go to the Court of Cassation in the event there were appeals.

RICHARD H. WILMER,
Colonel, GSC.,
Chief Legal Officer.

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4013/3.

A DA FOR MEETING TO BE HELD ON 3 OCT 1944.

1. Recruitment of cancellarii in Sardinia. By what law was the circular authorizing the recruitment of recalled?

2. Ancient Sardinian laws.

3. Sentences. Is there any way to reduce the amount of writing that judges have to do in rendering sentences.
The writing of sentences takes consumes a great amount of their time.

4. Revision of Public Security Laws. Progress.

5. Draft decree on revision of sentences rendered by the tribunals speciale for the defense of the State promulgated by the first Badoglio Government.
Discussion of Art.2. Would it not be advisable to omit letter (b)?

6. Draft decree on Court of Appeal Section Lecce.

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MINUTES OF MEETING HELD ON 27 SEPT 1944.

ACC/4013/3/L. ES/ap.

27 September 1944.

PRESENT : CLO — H. E. The Minister
Lt. Col. Thackrah — Dott. Bonelli
Sgt. Stein

Meeting opened at 1125

1. With reference to Minister's trip to Ancona, CLO stresses that in the future the Minister should under no circumstances travel in the Army area without a permit and should not make arrangements for any meeting in such area without previous consent of Army authorities; he should also immediately upon arrival contact the competent PLO. The Minister takes note of the above and states that in the future he will give sufficient advance notice of his intention to travel in Army zone; he returned from Ancona after the stay of one day.

2. Promotions and tranfers of magistrates grade 3 and 4.
The Minister requests speedy consideration of the proposed movements. CLO states that RLOs were contacted and that he will request immediate answer by signal.

3. Suspension of Minister's order in Naples.
The Minister complains that he ordered 12 magistrates of Naples Courts to be placed in retirement for having reached the age limits; this was in accordance with the general policy to rejuvenate the magistracy; the magistrates concerned first tried to obtain the rescision of the order by using political pressure upon Ministry; having failed they obtained an order of the AMG officials of Naples suspending Minister's order. The Minister states that steps either have already been taken or will be taken to designate substitutes; he guarantees that the administration of justice will not be impaired by the order of retirement and request CLO's intervention at AMG Naples. CLO promises to write to RLO, Southern Region, immediately.

4. Sequestration of imported medicines in Sicily.
The Minister presents a memo and requests CLO's intervention

5. Decree increasing fees of attorneys etc.
Minister presents a copy of the above draft decree which has already been approved by the Council.

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Meeting opened at 1135

1. With reference to Minister's trip to Ancona, CLO stresses that in the future the Minister should under no circumstances travel in the Army area without a permit and should not make arrangements for any meeting in such area without previous consent of Army authorities; he should also immediately upon arrival contact the competent PLO. The Minister takes note of the above and states that in the future he will give sufficient advance notice of his intention to travel in Army zone; he returned from Ancona after the stay of one day.

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6. Visit of legal officer from Eritrea.
The Minister saw the above legal officer who expressed the full satisfaction of British authorities with the Italian magistracy in Eritrea and called Minister's attention to several magistrates; the Minister requests CLO's approval for arranging an interview of the above official with an Italian newspaperman. CLO replies that definite rules govern relations of Allied officers with press and that he would have to consult the relative regulations.

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7. Cancellieri a Sardinia.

The Minister reports that the circular ordering the "recruitment" of Cancellieri in Sardinia had to be cancelled because the increased expenditure must first be authorized by a law. The President of the Court of Appeal of Sardinia was ordered to do all preparatory work and the Ministry is drafting the necessary law.

8. Fascist Republican Laws.

The Minister states that the Commission set up at the Presidency of the Council of Ministers to study the above laws is working and a decree on this subject is to be presented in the next council; a copy of such decree should be requested from the Presidency.

9. Paper work of judges.

CLC passes on to the Minister the complaint of a PLC that judges have to do an excessive amount of writing in preparing sentences. The Minister states that it is necessarily so because on appeal the Court of Cassation has to pass upon the sentence.

10. Revision of Public Safety Laws.

The Minister points out that such laws are within the jurisdiction of the Minister of Interior; the Minister was informed that a decree is in course of preparation modifying the "ammonizione" and "confino".

11. Draft Decree on revision of sentences rendered by the Tribunale Speciale for the defence of the State abrogated by Badoglio.

The Minister informs CLC that the draft has already been approved by the Council on the mistaken assumption that it has been approved by this Sub-Commission. Lt. Col. Thackrah feels that the provision contained in letter (b) of Art 2 is going too far in disregarding the res judicata concept.

12. Draft Decree on Court of Appeal Section Lucera.

The Minister definitely promises publication within one week.

13. Draft Decree on new time limits for presentation and conversion into law of decree-laws.

CLC states that there is no objection to this draft decree.

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CLC states that there is no objection to this draft decree.

Meeting closed at 1235.

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MINUTES OF MEETING HELD ON 25 SEPTEMBER 1944

/C5/4013/3/L.

EWEB/rlp.
26 September 1944.

PRESENT : DCLO
Maj Hendrickson
Maj Vecchiolla
Capt Gilreath
Capt Gaziano

Russo, Chief of Cabinet
H.E. Spalanzani, Direttore Generale Affari Penali
H.E. Rubiani, Procuratore Generale Corte d'Appello, Roma
Comm. Sciacca, Procuratore del Regno
Dr. Ciulli

Meeting opened at Ministry of Justice at 1545 hours.

1. Colonel Behrens stated the object of the meeting was to consider the position which had developed at Regina Coeli prison. It was the opinion of ACC that a considerable number of prisoners should be released on provisional liberty. He said that there were some 250 prisoners who had been held at disposition of the Italian authorities for a period of up to three months and averaging two months and that these 250 were still awaiting trial. It was the strong advice of the Allied Control Commission that these prisoners should be granted provisional liberty without delay.

The Procuratore del Regno stated that it was impossible to grant provisional liberty in these cases. Of the prisoners who had been handed over to the Italian authorities, provisional liberty had already been granted in more than 800 cases and that although he had not got details available of the 250 cases of which reference was made, he was satisfied, that in the majority of cases these prisoners were held for serious crimes for which no provisional liberty was possible in accordance with Italian law.

The Procuratore Generale stated that in most cases the difficulty had arisen over arrest procedure adopted by the Allied military police. This arrest procedure amounted to a denuncia in Italian custom and that accordingly it was not possible to grant provisional liberty as the matter had to be referred to the instruction process and that pending completion of this instruction no liberty could be granted.

Col. Behrens stated that he could not discuss details of Italian criminal procedure about which he was not informed. But he felt that any technical difficulties could be overcome by the representatives of the Italian justice who were there present. He wished to stress that the advice of ACC which came from Captain Stone was that a large number of prisoners should be released that day on provisional liberty. Of course, the territory is in AMG territory and there was no question of giving any order on this subject but the advice was given as firmly as it could be and that the Italian officials must realize that if it was rejected the Italian Government must bear the full responsibility for the rejection.

ACC was not prepared to put at the disposal of the authorities of the Regina Coeli prison any military assistance for the purpose of keeping order if the Italian Government rejected this advice. The Procuratore del Regno stated that quite apart from generalities it was impossible to grant provisional liberty to anybody without going to his office and examining the detailed records and that in fact in many cases the processes had already been sent to the giudici istruttori and were not in his possession. The meeting accordingly adjourned to the Palace of Justice where the

Declassified E.O. 12356 Section 3.3/NND No. 785016

Meeting opened at Ministry of Justice at 1545 hours.

1. Colonel Behrens stated the object of the meeting was to consider the position which had developed at Regina Coeli prison. It was the opinion of ACC that a considerable number of prisoners should be released on provisional liberty. He said that there were some 250 prisoners who had been held at disposition of the Italian authorities for a period of up to three months and averaging two months and that these 250 were still awaiting trial. It was the strong advice of the Allied Control Commission that these prisoners should be granted provisional liberty without delay.

The Procuratore del Regno stated that it was impossible to grant provisional liberty in these cases. Of the prisoners who had been handed over to the Italian authorities, provisional liberty had already been granted in more than 800 cases and that although he had not got details available of the 250 cases of which reference was made, he was satisfied, that in the majority of cases these prisoners were held for serious crimes for which no provisional liberty was possible in accordance with Italian law.

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In the Palace of Justice the meeting was continued in Major Vecchiolla's office. (Major Vecchiolla had not been present at the conference at the Ministry of Justice). Records were produced by Major Vecchiolla. The Procuratore del Regno stated that those records were the same as the records which he had in his office. The only records which were actually examined at the time were the records of those persons who had been imprisoned during the months of June and July. The list of August was available but there was not sufficient time to examine it. The Procuratore del Regno agreed, however, that there was no reason to suppose that it was incorrect.

Declassified E.O. 12356 Section 3.3/NND No. 785016

The Procuratore Generale stated that he had the fullest desire to cooperate with the advice given by ACC and that he would do anything in his power to follow that advice. But at the same time he was not prepared to release most of the prisoners mentioned on the list who were in fact held on charges of serious crimes. The list, however, was examined and it was found that 23 people were charged with relatively small offences. The Procuratore del Regno agreed that these prisoners should be released on provisional liberty. But he stated that he would not grant provisional liberty unless he had been advised to do so by ACC because all these prisoners were habitual offenders in spite of the fact that the particular charges then being investigated were not serious. The Procuratore Generale added that the prisoners when released would be re-arrested for another offence within 24 hours.

An additional two prisoners were found to whom provisional liberty could be granted. Their cases were, in fact, under instruction of the giudice istruttore but the Procuratore Generale was prepared to take the responsibility of granting an actual release for 24 hours and stated that the necessary formal documents would be signed by the giudici istruttori next day.

It was agreed that provisional liberty would accordingly be granted to these 25 prisoners and any others whom the Procuratore del Regno considered it proper to release; that the whole matter would be further discussed at a conference the next day at which the Questore, the Giudici of Instruction would be present and the whole question would then be cleared up. The Procuratore Generale, however, stated that in his opinion, the solution of the problem does not lie in the provisional liberty granted to prisoners but installing locks in the cells of the prisoners. He, however, reiterated his intention of cooperating with the advice given by ACC.

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W. E. BERRIEN,
Colonel,
Deputy Chief Legal Officer.

Declassified E.O. 12356 Section 3.3/NNB No. 785016

MINUTES OF MEETING HELD ON 19 SEPT 44.

CC/4013/3/I.

ES/ap.
20 September 1944.

PRESENT : CLO
DCLO
Lt.Col.Hannaford
Lt.Col.Thackrah
S/Sgt Stein

H. E. The Minister
Dott. Bonelli

Meeting opened at 11,25.

1. Publication of the Decree abolishing death penalty.
CLO informs the Minister that there is nothing in the way of the publication of the above decree. The Minister states that the publication will now be postponed until after Caruso's execution.

2. Riots in Calabria (Russo).
The Minister presents a written report.

3. Ministerial Mess.
CLO states that several conferences were held and letter written on this subject and that he hopes to obtain some results.

4. Draft decree on sentences rendered by the prerepublican Tribunale speciale per la difesa dello stato.
Draft handed over to CLO for study and approval.

5. Promotions and Tranfers of certain officials.
Lt. Col. Hannaford points out that some of the proposed promotions and tranefers will have to be looked into; he does not understand why Sig. La Cecla of Catania Court of Appeal was not considered. Whereas the Primo Presidente Venezziani who ran away before the Allied occupation is recommended for promotion; Sig. La Cecla organized the disrupted administration of justice abandoned by Venezziani. Agreed that the Sub-Commission will write a letter specifying the remarks and approving those movements on which there is no comment to make. The Ministry requests immediate action.

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6. Return of the Court of Appeal and Tribunals to Ancona.
Lt Col. Hannaford states that the Army is being contacted on this matter.

7. Decree on Court of Appeal Section Lucera.
The Minister apologizes for the delay in publication of the above decree and promises action.

8. Reggio Court of Assizes.

Declassified E.O. 12356 Section 3.3/NND No. 763016

Meeting opened at 11,25.

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8. Regnic Court of Assizes.
The Minister states that no answer is available as yet.

9. Courts of Taranto and Sardinia.
CLO presents to the Minister two letters describing the difficulties arising in the above courts.

10. List of officials of Lombardia and location of Courts.
CLO requests speedy reply to our letter of 14 Sept.

Meeting closed at 11,50.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

MINUTES OF MEETING HELD ON 13 Sept 1944

ACC/4013/3/L.

ES/pa.
14 Sept44.

PRESENT : CLO
DCLO
Lt.Col.Hannaford
Lt.Col.Thackrah
Sgt. Stein.

H.E.The Minister
Dott.Bonelli.

Meeting opened at 11,20.

1. Publication of the Decree abolishing death penalty.
Lt.Col.Hannaford states that due to the absence of Brig.Upjohn no decision was taken as yet but a conference is scheduled for tomorrow in which this question will be considered.

2. Arrest of Procuratore Generale at Florence.
The Minister's request for reasons was relayed to local authorities.

3. Fascist Republican laws.
The Minister states that

(a) The Council of Ministers agreed on the general principle that the fascist republican legislation should be considered nonexistent.

(b) Furthermore the Council of Ministers approved a circular of the Ministry of Justice instructing the Procuratori Generali that all sentences of the tribunali speciali per la difesa dello Stato set up by fascist-republicans should be considered as legally nonexistent and if such sentences involve common offences a new trial will be made in an ordinary court. The Minister remarks that this circular embodies the provisions of the draft decree a copy of which was forwarded to this Sub-Commission. The Council felt that no decree is necessary.

(c) A commission was appointed at the Presidency of the Council to study the problem arising out of the " nonexistence " of the fascist republican legislation, the possible exceptions to be made with special regard to the rights of third parties acquired under such legislation. The Minister promises to forward to this Sub-Commission a copy of the statement of principle mentioned above under (a) and the circular under (b). CLO stresses that these pronouncements will be made available to legal officers who will inform the Italian authorities immediately upon liberation.

4. Cases within the jurisdiction of Allied Military Courts tried at Bari by Italian Courts.
The Minister presents a copy of his letter to Primo Presidente and Procuratore Generale Bari directing them to avoid interference with Allied jurisdiction.

5. Request that Sig.VALENTI, Primo Presidente Court of Appeal, Tripoli, be allowed to return from Tripoli to Rome.
CLO states he will inquire whether the Military Administration of Tripoli is willing to release the above magistrate and whether transportation is available. The Minister will first write a letter to the Sub-Commission giving all particulars.

6. Cars needed for judicial officials in general, in Velletri and Frosinone

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6. Cars needed for judicial officials in general, in Velletri and Frosinone in particular.
The Minister believes that greater freedom should be granted to Italian authorities especially in Italian Government territory in respect to hiring and requisitioning private cars for their official use; they would be able to dig out hidden cars. CLO informs the Ministry that according to the recent directive "Italian Government" cars must not be requisitioned by the Allies; the CLO will inquire whether this protection covers cars hired by judicial officials.

7. Interference of Legal Officers in Rome with administration of justice.
The Minister reports the Procuratore's general complaints as to continuous

Declassified E.O. 12356 Section 1.3/NND No. 785016

direct interference of the above officials with the re ine administration which interference he are the rule of so that the officials are at a loss as to whether they should look for instructions to the Minister or to ACC officers. CLO confirms Minister's opinion that such direct pressure is contrary to directives. The Minister will write a letter to this Sub-Commission on this subject.

8. Removal of Prefetto [illegible] of Orbetello.

The Minister feels that unless an immediate urgency arises he should be consulted before a judicial official is removed. Lt.Col.Hammeford states that in many cases such consultation is not possible due to the great pressure exerted by local Committees of Liberation and Security Authorities. However, it is agreed that the Minister should be informed of the reasons for removal. Minister is sending replacement to Orbetello and the Sub-Commission will request verification of reasons.

9. Petitions for pardon and conditional liberty.

Agreed that as the amnesty decree has now been extended to common offences committed during Allied occupation in provinces since restored to Italian Government, the Italian authorities shall have the jurisdiction over petitions for pardon and conditional liberty in respect to such offences, it is understood that offences tried by Allied Courts as well as offences involving Allied interest shall be excluded from Italian jurisdiction.

10. Court of Assises in GROSSETO.

CLO complains that this Court has not yet initiated any proceeding under the law on sanctions against fascism. The Minister points out that only recently has Grosseto been liberated and brought under Regional control; nevertheless he will instruct Procuratore Generale Firenze to take necessary steps.

11. Ministerial Mess.

Agreed that as no further particulars are available at the Ministry the CLO will discuss the matter with competent authorities.

12. Results of the meeting between Hon. [illegible], Ministers [illegible] and [illegible] and Assist. High Commissioner SCOCCIMARRO. 155

The Minister states that Sig. Scoccimarro proposed a decree dismissing all heads of departments and reinstating them only upon their application after investigation by the Purge Commission; another proposal would entrust the same Commission with the power to decide who is qualified to substitute the dismissed officials. The Minister expressed his opposition against both proposals on the ground that this would usurp essential powers from the Government; in his view the present law is sufficient and the problem is to devise a speedy procedure to put the purge into effect; a compromise is being sought which would render it possible to oust in a speedy manner both fascists and inefficient officials without impairing the authority of the Government . The Minister confirms that up until now no officials in his department were dismissed although a number was suspended without prejudice to the purge proceeding.

13. Replacement for Procuratore Generale [illegible], Catania.

The Minister will offer the appointment to one of the following three officials: [illegible], D'AMICO, Procuratore Generale Naples. Lt.Col.Hammeford stresses that an official with [illegible] experience should be selected.

14. Potenza, Procuratore Generale.

The Minister says that the investigation was delayed due to a mistake in that Procuratore Generale at Bari instead of Procuratore Generale of Naples was

Declassified A.C. 1946 Section 1(3)/NND No. 745016

it is a need that the Minister should be informed of the reasons for removal. Minister is sending replacement to Otbello and the [illegible] will request verification of reasons.

9. Petitions for pardon and conditional liberty.

Agreed that as the amnesty decree has not been extended to common offences committed during Allied occupation in previous cases pertaining to Italian Government, the Italian authorities shall lose the jurisdiction over petitions for pardon and conditional liberty in respect to such offences; it is understood that offences tried by Allied Courts as well as offences involving Allied interest shall be excluded from Italian jurisdiction.

10. Court of Assises in Chieti.

PWB complains that this Court has not yet initiated any proceedings under the law on sanctions against fascism. The Minister points out that only recently has Crosseto been liberated and brought under regional control; nevertheless he will instruct Procuratore Generale Firenze to take necessary steps.

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13. Replacement for Procuratore Generale [illegible], Cagliari.

The Minister will offer the appointment to one of the following three officials: [illegible], Procuratore (still at Naples), Lt.Col. Crawford stresses that an official with CMAO experience should be selected.

14. Potenza. Procuratore Generale.

The Minister says that the investigation was delayed due to a mistake in that Procuratore Generale at Bari instead of Procuratore Generale of Naples was contacted.

15. Decree amending the Assassi-penalties law.

Col. Thackrah states that the draft is being studied by the Economic Section.

16. Draft Decrees on "Direttissima" and Court of Appeal Section, Lucera.

The Minister reports that both laws are at the Court of Accounts and will be published shortly.

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Declassified E.O. 13526 section 3.3(b)(6) NARA Date 9/19/2011

17. Courts of Assizes Regrd
The Minister states that a report was received but is so vague that a new report had to be requested.

18. Riots in Calabria (RUSSO).
The Minister has not yet received any answer to his request for report.

19. Appointments of pretori to vacancies in Foggia and Campobasso Provinces.
The Minister reports that the personnel office is taking action in this matter.

20. Instances of cases where Italian authorities were prevented from effecting arrests of Italian civilians employed by Allied authorities.

The Minister has not yet received the requested particulars.

Meeting closed at 12.40.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED COMMISSION
LEGAL DEPARTMENT
APO 394

AGC/4013/3/1.

/rlp.
11 September 1944.

SUBJECT : Prizecourt matters.

TO : State Secretariat General (Ufficio Affari Veri - General di Brigata Arturo Scattini).

Reference 1051/6/V of 9 Sept 44

1. A copy of the decisions arrived at at a meeting held on Saturday, 9th inst. is forwarded for your information.

2. It is hoped that it will be possible to reopen the Prizecourt at Rome at an early date. However, it depends mostly now on the disposal of the Italian authorities.

O. C. HAMMERGREN,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Officer.

Copy to: AGC/4013/3/1.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

The minister wishes to discuss the following points in the meeting on 13 Sept. 44.

1. Publication of the death penalty decree.
2. Arrest of Procuratore Generale Florence.
3. Fascist Republican Legislation.
4. Proceedings with the jurisdiction of Allied Courts at Bari.
5. Return of Prime Presidente Court of Appeal Tripoli Valenti Fernando.
6. Tribunals Velletri and Frosinone. Cars needed.
7. Removal of Pretore of Orbetello Di Pilla.(Our letter of 18 Aug requests removal because this official swore allegiance to Rep)
8. Petitions for pardon and conditional liberty. How when amnesty is applicable to common offences committed during Allied occupation in Provinces since restored to Italian Government may Italian authorities pass upon the above petitions in respect to such offences?

Declassified E.O. 12356 Section 3.3/NND No. 785016

eguard to the meeting which took place today at the Ministry of Justice between Your Excellency's representatives, the Army and Legal Sub-Commissions and Capt.Asciano of the Ministry of War, it is hereby confirmed ;

1.that from the 27600 officers and men agreed upon between the Ministry of War and the Army Sub-Commission as constituting the ceiling of the personnel for the administration branch of the Italian Army, 250 officers in all will be assigned to the Tribunali Militari. These officers will be responsible for the functioning of Tribunali situated in restored and AMG territories and later on in enemy occupied territory when liberated.

2.The number of Tribunali to remain open or to be reopened will be from time to time decided jointly by the Ministry of War (Sezione Giudiziaria) and the Legal Sub-Commission in consultation with the Army Sub-Commission.

3.The personnel already appointed or to be appointed to the Tribunali Militari will be screened by the Epuration Commission of the Ministry of War and after screening submitted to the Legal Sub-Commission.

4.Such personnel may be selected from military elements or from judicial officials recalled to the colours. The responsibility and such selection will rest with both the Ministries of Justice and War.

5.The control of the activities of the Tribunali Militari will be the responsibility of the Legal Sub-Commission.

6.Independently of the opening of the Tribunali Militari and of the completion of the first of the 250 officers above mentioned the existing Tribunali Militari and Tribunale Supremo Militare now functioning at CASERTA will transfer to Rome as soon as the personnel forming these tribunali have been approved by the Legal and Army Sub-Commissions.This personnel in included in the figure of 250.

HEADQUARTERS
ALLIED [illegible] COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/[illegible]/3/[illegible].

GCR/pa.
9 Sept 44.

SUBJECT : Meeting with Minister of Justice.

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

Pursuant to the meeting which took place today at the Ministry of Justice between Your Excellency's representatives, the Army and Legal Sub-Commissions and Capt. [illegible] of the Ministry of War, it is hereby confirmed :

1. that from the 27,000 officers and men agreed upon between the Ministry of War and the Army Sub-Commission as constituting the ceiling of the personnel for the administration branch of the Italian Army, 250 officers in all will be assigned to the Tribunali Militari. These officers will be responsible for the functioning of Tribunali situated in restored and AMG territories and later on in enemy occupied territory when liberated.

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6. Independently of the ~~opinion~~ opening of the Tribunali Militari and of the completion of the list of the 250 officers above mentioned the existing Tribunali Militari and Tribunale Supremo Militare now functioning at [illegible] will transfer to Rome as soon as the personnel forming these tribunali have been approved by the Legal and Army Sub-Commissions. This personnel is included in the figure of 250.

7. It is understood that H. E. Palermo is proceeding to Bari to investigate into the facts set out in Col. Wilmer's letter of 4 Sept 44 forwarded to the Minister of War by the Army Sub-Commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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6. Independently of the ~~opinion~~ opening of the Tribunali Militari and of the completion of the list of the 250 officers above mentioned the existing Tribunali Militari and Tribunale Supremo Militare now functioning at GATUNI will transfer to Rome as soon as the personnel forming these tribunali have been approved by the Legal and Army Sub-Commissions. This personnel is included in the figure of 250.

7. It is understood that R. [illegible] Palermo is proceeding to Bari to investigate into the facts set out in Col. Wilmer's letter of 4 Sept 44 forwarded to the Minister of War by the Army Sub-Commission.

C.G. [illegible],
Lt.Colonel,
Officer i/c Italian Branch,
for Chief Legal Officer.

Copy to : Army Sub-Commission
Ministry of War
ACC/4086/[illegible]/3/L

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

[illegible] DEED ON THE 5 SEPT 1944.

1. Military tribunals.

2. Who will replace Gen. Generale [illegible] in Sardinia and when will he report?

3. [illegible] Generale at Potenza.

4. Draft decree on unlawful sale of liquor. Not yet published.

5. Courts of Assize, accounts and decree.

6. Riots in Calabria (Russo).

7. Progress on draft decree on Bar Associations.

8. Draft decree on "direttissima". Not yet published.

4013/3

MINUTES OF MEETING HELD ON 6 SEPTEMBER 1944.

Present : CIO
DCIO
Lt.Col.Hannaford
Lt.Col.Thackrah

H.E.The Minister
Dott.Donelli

Meeting opened at 1115.

1. Military Tribunals : Letter had been addressed to Minister of War suggesting a meeting for Friday next at Ministry of Justice to discuss various points arising out of the reorganization of Italian Military Courts. Such for instance as the number of judicial officials on the reserve required to complete personnel and the screening of these, also questions of general policy.
Minister of Justice said he would get into touch with the Minister of War.

2. Liaison Officer for "Epuration". The role assigned to Major Palmieri with the object of co-ordination the steps being taken by the various Sub-Commissions of Allied Control Commission to expedite the work of defascistization in the Italian Ministries was explained to the Minister.

3. Potenza Proc.Gen. : Minister replied that no selection had yet been made and that this being in the Bari area a report was awaited from that seat.

4. Draft Decree on Sale of Liquor : Appears in current number of Gazzetta Ufficiale.

5. Draft Decree on " Direttissima " : Due to be published in next issue of Gazzetta Ufficiale.

6. Decree on " Bar Association " : The work is well in hand and copy will be submitted shortly.

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7. Courts of Assise - Catanzaro and Reggio : Reports now to hand.

8. Racial Legislation : Col. Wilmer remarked that it would be convenient if the Minister of Justice would undertake the work of examining the legislative proposals of the Jewish Committee at Rome with a view to having the Minister's suggestions and proposals. The matter concerned other Ministries as well and was an international political question.
The Minister requested that a letter be addressed to him on the subject with a request that the proposals be examined by his department.
Col. Wilmer added that it would first be necessary to obtain the views of Capt. Stone.
The Minister of Justice requested that a copy of such letter when written be sent to the President of Council and remarked that had the full title of Minister of Justice and of Religion been restored to his Department as proposed, he would have been able to deal with this problem direct.

9. Epuration and popular Assise Judges : Attention of Minister was drawn to delays in starting this mechanism before the Courts of Assise and that no cases had yet been heard.. Col. Wilmer suggested that the Minister of Justice send out a General directive to all the Courts of Appeal to activate the setting up of the panels of popular judges.
Agreed to by Minister of Justice.

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[illegible] Ministry of Justice to discuss various points arising out of the reorganization of Italian Military Courts. Such for instance as the number of judicial officials on the reserve required to complete personnel and the screening of these, also questions of general policy.
Minister of Justice said he would get into touch with the Minister of War.

2. Liaison Officer for "Epuration": The role assigned to Major Palmieri with the object of co-ordination the steps being taken by the various Sub-Commissions of Allied Control Commission to expedite the work of defascistization in the Italian Ministries was explained to the Minister.

3. Potenza Proc.Gen. Minister replied that no selection had yet been made and that this being in the Bari area a report was awaited from that seat.

4. Draft Decree on Sale of Liquor: Appears in current number of Gazzetta Ufficiale.

5. Draft Decree on "Dirottissima": Due to be published in next issue of Gazzetta Ufficiale.

6. Decree on "Bar Association": The work is well in hand and copy will be submitted shortly.

7. Courts of Assize - Catanzaro and Reggio: Reports are to hand.

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8. Racial Legislation: Col. Wilmer requested that it would be convenient if the Minister of Justice would undertake the work of examining the legislative proposals of the Jewish Committee at Rome with a view to having the Minister's suggestions and proposals. The matter concerned other Ministries as well and was an international political question.
The Minister requested that a letter be addressed to him on the subject with a request that the proposals be examined by his department.
Col. Wilmer added that it would first be necessary to obtain the views of Capt. Stone.
The Minister of Justice requested that a copy of such letter when written be sent to the President of Council and remarked that had the full title of Minister of Justice and of Religion been restored to his Department as proposed, he would have been able to deal with this problem direct.

9. Epuration and popular Assize Judges: Attention of Minister was drawn to delays in starting this machinery before the Courts of Assize and that no cases had yet been heard.. Col. Wilmer suggested that the Minister of Justice send out a General directive to all the Courts of Appeal to activate the setting up of the panels of popular judges.
Agreed to by Minister of Justice.

10. Decree No.159 - Sanctions against Fascism: Reference was made to the request of Sig. Scoccimarra that the Minister of Justice should undertake the work of putting the procedural decree into shape. The Minister of Justice pointed out that as Decree No.159 was a political law, the proper channels for invoking the intervention of his department was for Sig. Scoccimarra to have his Chief Count Sforza place the matter before the President of Council who would then issue instructions to the Minister of Justice.

11. Minister of Justice Mean: The Minister acknowledged the receipt of the

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letter from Col. Wilmer on this subject.

12. Detention in the AMG Territories : Minister of Justice drew a mention to the fact that whilst on his visit to the Province of Macerata, the Prefect had drawn his attention to certain cases where the action of AMG Officers had hindered the initiation of denazification proceedings. Col. Wilmer asked that the Legal Subcommission be advised of specific cases and undertook to take appropriate action thereon.

Col. Wilmer also enquired if any reports were yet to hand of specific cases of non cooperation by Military authorities in the case of the prosecution by the Italian Courts of Italian employees of military establishments. Minister replied that reports were awaited.

Meeting closed at

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MINISTRY OF GRACE AND JUSTICE

Rome, 4 Sep.44

Subject : Mess and Ministerial shop.
To : Allied Control Commission - Legal Sub-Commission .

Reference letter No.ACC/4013/3/L par.4 of this Commission and reference letter 30 Aug.44 No.204 of this Ministry, we specify as follows:

1. With intent to lessen the difficulties of the officials who, contrary to the other categories of workers, are not able to adequate their pay, established by law, to the increasing cost of life, it is desired to establish a Ministerial mess, to which shall be entitled only the officials of the Ministry and not those of the Courts and Tribunali. Choice will be made among the officials most in need, that is those who are not able to pay the high prices in restaurants and dont have their family here, either because bachelors, or because not able to find lodgings in proportion to their wages. To reduce the number, the mess would be limited to the officials of the Ministry; in case of particular emergency, it will however be allowed to those who are working in the Courts and Tribunali of Rome, to share the right to the mess.

2. It is foreseen that about 500 persons could participate to such mess. The right should be given for 2 meals a day, each one composed of soup (minestra), 2nd course (vegetables, fish, etc), fruit, and ½ liter wine. ½ kg.per day is calculated for each person. Total 3 quintals per day.

3. It has been thought to organize a shop where the families of the officials who are most in need and cannot use the mess, could make purchases.It has been calculated that 2,400 persons would use such shop. Calculating ½ kg.per day for each person, there is a total of 12 quintals, which, added to the above 3 146 would give the total amount of 15 quintals per day.

4. Since the Se. Ir. Al. declares not to be in possession of such goods, they will have to be found in the places of production, in the Campania (Agro Giuliano) and, if necessary, in the Puglie.
Since the Ministry has no transportation, private transportation will have to be obtained, and proper retribution will be given, the amount of which shall be divided in proportion among the purchasers of the shop.

5. One trip a week could be made for the amount of 15 quintals. This Commission should only give the authorization to the private individuals to go to the provinces, and, after having taken hold of the goods, transport them to this Ministry. The transportation would be made anyway under the control of the "annonaria" rule,

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The Chief of Cabinet.

Make it "per day"
or 105 quintals —

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Mod 2

Ministero di Grazia e Giustizia

Gabinetto

Roma, 4 settembre 1944

Gabinetto del S.E. il Ministro

204

OGGETTO: Mensa e spaccio ministeriale.

ALLA COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione legale
R o m a

In relazione alla nota n. ACC/4013/S/L paragr. 4° di codesta Commissione e con riferimento alla lettera 30 agosto 1944 n. 204 di questo Ministero, si specifica quanto appresso:

1°) Allo scopo di alleviare i disagi dei funzionari i quali, a differenza di altre categorie di lavoratori, non possono adeguare le proprie tariffe di lavoro, stabilite per legge, all'aumentato costo della vita, si desidera assicurare il funzionamento di una mensa ministeriale, alla quale parteciperanno i soli funzionari del Ministero, e non quelli delle corti e tribunali. Saranno scelti i funzionari più bisognosi, ossia quelli che non abbiano mezzi per pagare l'elevato costo dei pasti in ristorante, e non abbiano famiglia sul posto, o perchè celibi, o perchè non sono riusciti a trovare una casa a prezzo proporzionale al loro guadagno. Si limita la mensa ai soli funzionari del Ministero, per ridurre il numero dei conviventi; peraltro, nei casi di particolare gravità, sarà ammesso in via eccezionale a partecipare alla mensa anche chi, prestando la sua opera presso la Corte o il tribunale in Roma, abbia assoluto bisogno.

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2°) Si prevede, con riferimento al numero precedente, che possano partecipare alla mensa circa 600 commensali. Ad essi dovrebbe essere assicurata la possibilità di con-

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sumare due pasti giornalieri, ciascuno composto di una minestra, di un secondo (verdura, pesce, ecc.), della frutta e di un quarto di vino. Si calcola un fabbisogno di mezzo chilo per ~~settimana~~ giorno a persona. Totale 3 quintali per ~~settimana~~. giorno

3°) Per le famiglie si è pensato ad istituire uno spaccio viveri, dove possono acquistare i familiari dei funzionari che non partecipino alla mensa e si trovino in condizioni di particolare bisogno economico. Si prevede che allo spaccio acquistino circa 2.400 persone. Calcolando mezzo chilo a testa di generi per settimana, si ha un totale di altri 12 quintali, che sommati ai precedenti 3 quintali, di cui al numero 2, danno un complesso di 15 quintali per ~~settimana~~. giorno.

4°) Poichè la Se.Pr.Al. dice di non avere generi, i generi occorrenti devono essere direttamente reperiti sui luoghi di produzione. Si pensa di andarli a cercare nel Lazio, nella Campania (Agro Giuliano) e se sarà indispensabile in Puglie.

Al trasporto, poichè questo Ministero non possiede mezzi propri, si provvederà con mezzi forniti dai privati, ai quali sarà dato un rimborso spese, le quali spese saranno ripartite fra i conviventi a mensa e gli acquirenti allo spaccio, in proporzione.

5°) Si potrebbe fare un viaggio per settimana, di complessivi 15 quintali. Occorre che codesta Commissione provveda soltanto a far dare ai privati il permesso per recarsi in provincia, reperire i generi, trasportarli a questo Ministero. Il trasporto sarebbe effettuato sotto la sorveglianza annonaria comune ed inoltre sotto il controllo e la responsabilità di questo Ministero. Se codesta Commissione è d'accordo, il Ministero indicherà il camion ed il nominativo dell'incaricato all'acquisto. Sarebbe preferibile fare un permesso permanente, per evitare lungaggini. Non si crede, dato il quantitativo esiguo, che ciò possa depauperare le zone di produzione.

IL CAPO DI GABINETTO

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/gb.
ACC/4013/3/L. 2 Sept 44.

SUBJECT : Meetings with Italian Government.

TO : H.E. The Minister of Justice.

1. Relative to the agenda prepared by you for our meeting yesterday which due to the lack of time you were unable to discuss, I would like to point out the following:-

1. Amnesty - See separate letter to you of this date.

2. Officials (Prisoners of War). As names are furnished by you they are transmitted by us to the P.O.W. Sub-Commission with the request that these Prisoners of War's be repatriated as quickly as possible. We are advised that upon receipt of our request the P.O.W. Sub-Commission immediately starts its efforts in this regard. Obviously these requests have to go to many places and through varied channels all of which takes time. Also the matter of transportation is not any easy or an expeditious one even when it is decided at the other end that the requested officials may be released. You may be assured that the Legal Sub-Commission is using every effort to comply with your request, in which this Legal Sub-Commission also has keen interest as you can well appreciate. 114

3. Economic Improvement for Judicial Officials. This Sub-Commission as you know has taken active steps in an attempt to alleviate the serious situation. The entire matter has been referred to the Economic Section of A.C.C. with the request for immediate consideration.

4. Ministerial Visa. In order that this matter may be placed before the interested Sub-Commission of A.C.C. for action, it is essential that a concrete proposition be submitted including among other things the scope of personnel involved (such as personnel only at Ministry or [illegible] all Court personnel in Rome, including

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5. Ministerial Case. In order that this matter may be placed before the interested Sub-Commission of A.C.C. for action, it is essential that a concrete proposition be submitted including among other things the scope of personnel involved (such as personnel only at Ministry or that personnel plus all Court personnel in Rome, including or excluding members of their families as the case may be, etc.), the number of such personnel, the number of meals per day involved, the type and amount of food to be brought in, the number of trips per week contemplated for this purpose, the places where the food is expected to be found etc. You will appreciate the fact that if food is removed from one locality to Rome, that locality may itself suffer proportionately as a result. Likewise if numerous trips over long distances are contemplated the question of gasoline for trucks becomes involved and depending upon the localities

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furnishing the food the question of passes may be involved. I understand from the Agenda that you have at your disposal the necessary transportation facilities. If so the amount and source of the transportation would be stated. Without knowing all the facts involved I am able to suggest only some of the more pertinent ones. It would be helpful that any additional pertinent facts as well as reasons for the request be given in this regard in your letter to this Sub-Commission. In other words a detailed program must be submitted in order that a proper consideration can be given.

5. Draft Decree on examination for Procuratore.

This Decree has been passed without comment from this Sub-Commission as it is a purely internal matter for the Italian Government to deal with.

6. Persons held longer than one year and awaiting trial in Sardinia.

As you have approved the procedure followed by Major Alexander and the Procuratore Generale in the above connection, it appears that no further action is necessary.

7. Decree abolishing Death Penalty.

This matter is still under consideration. I understand that you are writing to me on this subject.

8. Proceedings in "CALTRI" massacre case.

I will appreciate it if you will advise me of the facts and questions involved.

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

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file 4013/3

EB/pa.

MINUTES OF MEETING HELD ON 1 SEPTEMBER 1944

Present : CLO
DCLO
Lt.Col.Hammaford
Lt.Col.Thackrah
Sgt. Stein.

H.E.The Minister
Dott.Benelli.

MEETING OPENED AT 1730.

1. Substitute for Proc.Gen.SPALLANZANO of Sardinia - Personnel problems .

a) - The Minister states that the appointment of a Substitute for Mr. SPALLANZANO is under consideration; however, the [illegible] rather difficult as a great number of Procuratori Generali will be referred to the Epuration Commission.

b) - the Minister is facing a difficult personnel situation: a number of officials is subject to epuration proceeding; on the other hand the Ministry has supplied more than 100 officials to take part in the work of the Epuration Commissions of various departments and will have to supply more; the Ministry is under continuous pressure in this respect and any attempt to resist such pressure gives rise to a charge of "obstructionism" of the epuration work; the officials themselves are trying to obtain appointments on the Commissions and in the attached offices because they receive 3000-4000 lire additional allowance; a new bureaucratic structure is in making with strong tendencies to perpetuate their functions; unless a [illegible] 6 months term is fixed for the epuration work these new agencies will sit for three years or more; under the present law practically every employee could be made subject to the epuration proceeding; despite all these difficulties the Courts are working well and the judiciary has responded to Minister's appeal for utmost cooperation.

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c) - In this connection Lt.Col.Thackrah raises the question of personnel for Courts in Northern Italy. The Minister points out that a number of personnel assigned to North Italy escaped to Rome and is ready to move North; the The Ministry is taking steps immediately upon liberation of individual courts such as Firenze, Pisa, Siena etc.; no long range planning is possible as nobody can estimate how many officials will have to be removed for having collaborated with the Germans; the Ministry will be able to supply about 1/3 of the normal personnel; however the Sub-Commission should obtain detailed information on the personnel situation as soon as an area is liberated and relay it to the Ministry which will take necessary steps case by case. Lt. Col.Thackrah stresses that because of the lack of Allied personnel no substantial support of Italian Courts by Allied authorities can be expected as in the days of Sicilian Campaign.

2. Potenza Courts, Procuratore Generale.

The Minister states that the situation is being investigated.

3. Repeal of law of 1930 establishing obligatory Jewish Community.

The Minister promises to advise the Ministry of Interior of this suggestion.

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4. Ammassi.

(a) Sicily : The Minister refers to the remarks of Mr.ALDISIO, High Commissioner for Sicily, made in the Council of Ministers; in Mr.ALDISIO's view the crop estimate of the Allies is too high; the failure of the ammassi campaign is most striking in Palermo and Catania Province but at present the daily deliveries are ten times higher than in the past and the situation is improving; the failure was due to some extent to separatist propaganda which is now being counteracted; the penalties for violation of the ammassi law have been too drastic in some instance (two years for non delivery

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of 56 kilos). Mr.ALDISIO continued due to " allied Commissaries who frightened the judges". The Minister states that he voiced vigorous opposition against such insinuation as far as Legal Sub-Commission and its staff is concerned. CIC requests report on specific instances.

(b) The Minister presents a memo on the answer of the Ministry of Agriculture in respect of the amendment to the amnesti penalties decree. CIC wishes to discuss the matter with the Economic Section as it concerns not only the question of effective and equit ble law enforcement but has important economic implications.

5. Draft Decree on unlawful sale of liquor.

The Minister states that the draft was approved by the Council of Ministers today.

6. Courts of Assizes Catanzaro and Reggio.

The Minister reports that the Court at Catanzaro is working; no report from Reggio yet.

7. Riots in Calabria (R.330).

The Minister has not yet received the requested report.

8. Report of Board for clearance of prisoners in Sardinia.

The Minister agrees with the report and approves the constitution of this advisory body.

9. Imprisonment in Island establishments.

Answering Lt.Col.Thackrah enquiry the Minister says that there is no law which would prohibit setting up penal establishments on Italian Islands; it is for the Direzione Generale for penal matters at the Ministry to select the penal establishments. 151

10. Instances of cases where Italian authorities were prevented by Allies to effect arrests of Italian civilians employed by Allied authorities.

CIC requests specific cases. Minister states that he already wired for specific instances.

11. Preture of Foggia and Cammebasso Province.

Lt.Col.Hannaford complains that 15 preture are administered by Vice-Pretori; a list of the preture with detailed explanations is contained in a letter sent to the Minister today. The Minister promises remedy.

12. Publication of the Decree abolishing death penalty.

The Minister emphasizes the need for immediate publication as he is being subject to a great pressure. CIC regrets that the matter is still under consideration and advises the Minister to write a letter to the Sub-Commission referring to the pressure.

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13. Decrees authorising appointment of commissioners for certain enterprises.

At the request of the CLO the Minister promises to give advance notice to this Sub-Commission before the above decrees are published.

14. Amnesty. CLO states that a detailed letter was prepared for the Minister on this subject containing an answer to his queries.

15. Restoration of the Marche Provinces. Answering Minister's query CLO states that he has no information as to the date of restoration of Marche to Italian Government.

Meeting closed at 18.30.

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MINISTERO DI GRAZIA E GIUSTIZIA

Agenda per l'incontro del .....

1°)- AMNISTIA - La duplice proposta del Ministero di estendere l'amnistia ai reati in territorio A.M.G e poi restituito e a quelli commessi dopo il 4 aprile c. a. è stata accolta

2°)- FUNZIONARI PRIGIONIERI DI GUERRA - Progressi sulla procedura per la liberazione dei funzionari prigionieri. Finora neancho uno è stato restituito all'Amministrazione. Necessità di una sollecita restituzione almeno dei migliori elementi per i quali è stata fatta apposita segnalazione.

3°)- MIGLIORAMENTI ECONOMICI PER I MAGISTRATI - Qual'è la risposta dell'ACC al promemoria inviato in proposito dal Ministero. Il problema diviene sempre più grave e urge una soluzione sia pure provvisoria. (deliberazione del Consiglio direttivo dell'Associazione dei Magistrati di Bari del 18 corrente)

4°)- MENSA MINISTERIALE - Per organizzare l'afflusso dei rifornimenti per la mensa ministeriale necessita che l'ACC. promette di autorizzare di volta in volta il trasporto delle derrate(mentre l'automezzo sarà posto a disposizione da parte di colui che di volta in volta si incaricherà del trasporto).

5°)- SCHEMA DI DECRETO RELATIVO AGLI ESAMI DI PROCURATORE. - La Sottocommissione aderisce allo schema di decreto in oggetto (trasmesso con foglio 55/2-1 dell'Ufficio di collegamento). Sarebbe opportuno sottoporre tale decreto al Consiglio dei Ministri del 31 corrente.

6°)- DETENUTI IN ATTESA DI PROCESSO DA OLTRE UN ANNO IN SARDEGNA - (lettera ACC/4091/1-L del 27 agosto 1944)

7°)- DECRETO ABOLITIVO DELLA PENA DI MORTE - Il decreto in oggetto già approvato dal Consiglio dei Ministri (e firmato) è pronto per la pubblicazione. L'opinione pubblica domanda con interesse che si dia luogo alla pubblicazione.

8 - Processo di Caltini -

4013/3

file

MINUTES OF MEETING HELD ON 25 August 1944

Present

A/CLO
A/DCLO
Lt.Col.Hannaford
Lt.Col.Thackrah
Sgt.Stein

Mr.The Minister
Lott.Bonelli.

/pa.

Meeting opened at 1115.

1. AMNESTY.
Amending Minister's inquiry the A/CLO reports good progress in discussions on the extension of the Amnesty Decree to offences committed during Allied Occupation of provinces since restored to Italian Government ; the Minister brings up the advisability of passing a new Amnesty law to cover offences committed after April 5, 1944. A/CLO promises the answer to this point after the first mentioned query is answered.

2. Ministerial Mess.
The Minister refers to his letter to SEPAL dated 21 Aug copy to Legal Sub-Commission. Agreed that Minister will communicate to this A/C what specific requests have been directed to SEPAL.

3. ELECTRICITY FOR THE MINISTRY.
Agreed that in view of the negative answer received from the Electric Power Committee nothing more can be done for the moment.

4. INCREASE OF SALARIES FOR JUDICIAL OFFICIALS.
Lt.Col.Hannaford assures the Minister that A/CLO and Col.Thackrah are following up this matter with utmost energy.

5. VITERBO.
a) Car for Procuratore Generale and Court Officials. Lt.Col.Hannaford is going to VITERBO on Sunday and will contact local officials in this matter.
b) Salaries due to officials for last May etc. Lt.Col. Hannaford says the Finance Division Region A has been approached thru HQ Region 4 with view of obtaining payment of the arrears.
c) Permission for judicial officials to carry arms. The Minister points out that this is a problem of a general character; it has become especially pressing in Viterbo: Magistrates receive threatening letters. A/CLO states that the Magistrates should apply to competent authorities for permit showing the reasons. The matter must be ~~handed~~ dealt with case by case and no overall directive is possible.

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6. ALLIED . CAR FOR JUDICIAL OFFICIALS.
A/DCLO states he has given a car to Proc.Gen. and promises to write to Region 5 on this subject.

7. ARREST BY ITALIAN POLICE OF ITALIAN CIVILIANS EMPLOYED BY ALLIES.
Minister complains that in several instances the above arrests were interfered with. HQ promises to send out a memo forbidding such interference and asks the Minister for specific cases.

8. REMOVAL OF ITALIAN OFFICIALS IN NO TERRITORY BY THE ALLIES.

1. [illegible].

[illegible] on the extension of the [illegible] in discussions [illegible] of [illegible] since [illegible] Italian [illegible] the Minister [illegible] after April 5, [illegible] mentioned [illegible].

2. Ministerial [illegible].

The Minister [illegible] to this [illegible] Commission. [illegible] to this [illegible] specific [illegible].

3. [illegible].

[illegible] that in view of [illegible] Committee [illegible].

4. [illegible].

[illegible] Hannaford [illegible] the Minister [illegible] are following [illegible].

5. [illegible].

a) [illegible] for Procuratore Generale [illegible] Hannaford is going to [illegible] and will contact local officials in this [illegible].

b) Salaries [illegible] officials for last [illegible] Hannaford [illegible] the Finance Division [illegible] has been approached [illegible] view of obtaining payment [illegible] the [illegible].

c) Permission for [illegible] officials to [illegible]. The Minister points out that this is a problem of a general character: it has been [illegible] pressing in [illegible] Magistrates receive threatening letters. A/CLC states that the Magistrates should apply to [illegible] authorities for permit showing the reasons. The [illegible] be [illegible] case by case and no overall directive is possible.

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6. [illegible].

A/CLC states he has given a [illegible] to Proc.Gen. and promises to write to Region 5 on this subject.

7. [illegible].

Minister complains that in several instances the above [illegible] were interfered with. [illegible] promises to send out a [illegible] forbidding such interference and asks the Minister for specific cases.

8. [illegible].

Minister inquires as to the possibility of his being advised before any removal is made. A/CLC answers that it has been an established policy to handle the removals in agreement with the Minister but in many cases the local pressure upon [illegible] authorities in early stages of the occupation is too strong to permit a delay which would necessarily arise out of consultation with [illegible] and Ministry. In any case, however, the removals and appointments are of provisional character. The Minister expresses his satisfaction. A/CLC says he may send out a circular reiterating the above policy.

9. [illegible].

The Minister reads a report of Proc.Gen. [illegible]. It appears that Proc.Gen.

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(S) the Philippines (Department of Foreign Affairs) and the Philippine Embassy in Washington, D.C.

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NSC 5516

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Enclosure "A"

Report by the Ad Hoc Committee on Overseas Civil Air Routes and Services to the National Security Council

1. Pursuant to NSC Action No. [illegible] dated [illegible], the Ad Hoc Committee on Overseas Civil Air Routes and Services has prepared the attached report.

2. The Committee recommends that the National Security Council adopt the attached report.

3. The Committee recommends that the National Security Council direct the Secretary of State to transmit the attached report to the President.

4. The Committee recommends that the National Security Council direct the Secretary of State to arrange for the publication of the attached report.

4013/3

POINTS WHICH THE MINISTER WISHED TO DISCUSS ON MEETING TO BE HELD ON 24 AUGUST 1944.

1. AMNESTY.

(a) Extension of Amnesty to common offences committed during the Allied occupation in Provinces since restored to Italian Government.

(b) Desirability of extension of amnesty beyond 5 April for political reasons.

2. MESS FOR MINISTRY.

Letter of the Ministry to S.E.P.R.A.L. dated 21 Aug 44. (copy to Legal S/C)

3. ELECTRICITY FOR MINISTRY.

4. INCREASE OF SALARIES FOR JUDICIAL OFFICIALS

5. VITERBO (Minister's letter 26/1 of 22 Aug 44.)

(a) Car for Courts & Procuratore Generale
(b) Payment of salaries
(c) Permit for Officials to carry arms

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6. AQUILA

(a) Car for judicial Officials.

7. ARREST BY ITALIAN POLICE OF ITALIAN CIVILIANS EMPLOYED BY ALLIES.

Procedure to be followed

8. REMOVAL OF ITALIAN JUDICIAL OFFICIALS IN MILITARY GOVERNMENT TERRITORY.

Could the Ministry be advised before the removal is effected?

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Agenda for Meeting to be held on
24 August 1944

1. Russo. Riots in Calabria.

2. Decree increasing penalties for unlicensed sale of liquor. Pressing urgency for immediate enactment.

3. Amnesty.
(a) In Sicily 80 odd people arrested under amnesty decree. Many more expected to be arrested.
(b) The amendment to amnesty - penalties decree. Was it discussed with Minister of Agriculture as agreed in last meeting ?

4. Draft decree on Court of Appeal, Lucera.
Not yet published.

5. Draft decree on "Direttissima"
Same as 4.

6. Court of Assizes Catanzaro and Reggio.
Any answer to enquiry ?

7. Tribunale Militare.
Were arrangements made for a meeting as per agreement reached in the last meeting.

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MINUTES OF MEETING HELD ON 17 Aug 1945.

Present :

[illegible]
Lt.Col.Hazelwood
Lt.Col. Beckett
Capt. Wade

Lt. The Viscount
Portarlington.

3/pm.
16 Aug 45.

Meeting opened at 1115.

1. Lt.Col.Hazelwood explains the absence of Col.Bowe who went to Rome in connection with problems which have arisen on the Judiciary Branch of Govt.

2. Electric current for the Ministry.
The Minister complains that despite the assurances given to him there is no electric light in the Ministry. Lt.Col.Hazelwood states that the Competent Sub-Commission and the Army Authorities have conducted an exhaustive enquiry and promised to remedy the situation; he advises the Minister to apply to the Italian authorities.

3. Prosecutors.
The Minister requests that one of the Lawyers now lent to the Legal Commission by the Ministry be returned as a shortage has arisen because of the requirements of the High Commission for cases now against Fascists. Lt.Col. Hazelwood promises to give necessary orders.

4. Courts in Terni and Orvieto.
a) The Minister reports that there is only an American flag displayed in the Court room of the Tribunals of Terni which is in use by both Allied Military and Italian Courts. Agreed that the Minister will advise the President of the Tribunals that the American, British and Italian flags should be displayed. The Sub-Commission will instruct the competent Legal Officer accordingly.
b) The Minister states that the present transport and communications difficulties prevent functioning of the administration of Justice. For this reason no additional personnel is required at Terni and the orders issued to several officials to return to Terni were suspended; 133
c) the same difficulties make it imperative that the Tribunals of Orvieto abolished by Fascists be re-established so that the Tribunals of Terni would serve two mandaments (Terni and Narni) instead of four and the Tribunals of Orvieto would function for the two remaining mandaments of the Terni District, (Orvieto and Amelia); this would be in line with Minister's general policy of reconstituting fascist abolished Courts and rendering the recourse to the Courts easier for the people. The Minister stresses that the personnel of Terni will suffice for both Courts and no additional appointments will be necessary. The new Tribunals could operate within one month, Orvieto has suitable premises. PCHC agrees to a temporary re-establishment of the Orvieto Tribunals as proposed above.

5. Judicial officials pay.
The Minister emphasizes the shortage of personnel and the consequent need for repatriation of the above Ufficials. Lt.Col.Hazelwood assures the Minister that all the lists were submitted to competent authorities with request for speedy action.

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Meeting opened at 1115.

1. [illegible] explains the purpose of the document to be used in connection with problems which have arisen in the Province of Bari.

2. Electric current for the Bari area.

The Minister complains that despite the assurances given to him there is no electric light in the city. [illegible] states that the competent Sub-Commission on the Bari area has been approached on several occasions and promised to remedy the situation. The Minister undertakes to apply to the Italian authorities.

3. Prisoners.

The Minister requests that one of the proposals sent to the Legal Commission by the Ministry be returned as a change has taken place of the requirements of the High Commissioner's instructions against fascism. [illegible] Hammond promises to give necessary action.

4. Courts in Rome and Crvieto.

a) The Minister reports that there is only an insufficient [illegible] the Court room of the Tribunale di Roma which is in use by both the Military and Italian Courts. Agreed that the Minister will advise the President of the Tribunale that the American, British and Italian flags should be displayed. The Sub-Commission will instruct the competent Legal Officer accordingly.

b) The Minister states that the present transport and communications difficulties prevent functioning of the Tribunale [illegible] reason no additional personnel is required at Terni and the orders issued several officials to return to Terni were cancelled;

c) the same difficulties make it impossible that the Tribunale di Orvieto abolished by Fascists be re-established so that the Tribunale di Terni would serve two fundamenti (Terni and Narni) instead of one and the Tribunale di Orvieto would function for the two remaining fundamenti of the Terni District (Orvieto and Amelia); this would be in line with Commando's general policy of reconstituting fascist abolished Courts and reducing the number of the Courts easier for the people. The Minister stresses that no personnel of Terni will be available for both Courts and no additional appointments will be necessary. The new Tribunale could operate within one month, Orvieto has suitable premises. [illegible] agrees to a temporary re-establishment of the Orvieto Tribunale as proposed above.

5. Judicial officials of U.S.

The Minister emphasizes the shortage of personnel and the consequent need for repatriation of the above type. Lt.Col.Hammond answers the Minister that all the lists were submitted to competent authorities with request for speedy action.

6. Amnesty.

The Minister inquires as to the result of his request for extending amnesty to certain offences committed during Allied occupation in provinces which have since been restored to Italian Government. DC [illegible] states that the request was approved by AMG and passed to A/G and A/CC.

7. Personnel- Courts of Rome.

The Minister reports that as Sig.Marchi, designated for the presidency of the Court of Appeal, Rome, felt unable to accept the appointment because of illness, Comm.Caliendo was designated for this post. Lt.Col.Hammond states

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AGENDA FOR MEETING TO BE HELD ON 17 AUGUST 1944.

1. Russo. Riots in Calabria.

2. Ammonizione. Modification of Art.166 Legge of P.S. according to order issued in Region III.

3. L'Aquila. Personnel.

4. Motor cars for official purpose. Refit and tyres supplied by ACC (small numbers)

5. Ammassi penalties decree.

6. Draft decree extending the operation of Court of Appeal Section Lucera.

7. Draft decree on Direttissima.

8. Bari Courts. Progress on action to be taken in accordance with the report.

9. Result of Ministry's inquiry in respect to courts of assizes Catanzaro & Reggio. Report was received that they have not disposed of any cases at all.

10. Progress on draft decree on Bar Associations.

11. Progress on enactment of draft decree on illegal sale of liquor.

12. Tribunale Militare. Proposals of the Ministry for reopening and personnel.

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Agenda for 10 Aug meeting
(Mac.)

MINISTERO DI GRAZIA E GIUSTIZIA

AGENDA DEGLI ARGOMENTI DA DISCUTERSI NELL'INCONTRO DEL 10 AGOSTO 1944

1. Estensione dell'amnistia per i reati comuni commessi durante l'occupazione alleata nei territori successivamente restituiti al Governo Italiano.

A seguito di quanto discusso in proposito nell'incontro del 7 luglio a Salerno, sarebbe ora molto opportuno per fare opera di pacificazione sociale e per evitare sperequazioni arbitrarie, che l'art. 7 del Decreto di amnistia del 5 aprile fosse parzialmente modificato, nel senso che i reati comuni giudicati dai Tribunali italiani (esclusi quindi i reati giudicati da Tribunali alleati, nonchè quelli in danno degli alleati, anche se giudicati dai Tribunali italiani, di cui alla circolare presentemente approvata dalla Sottocommissione e che comprende anche alcuni dei reati relativi alla prostituzione) beneficino dell'amnistia anche se commessi durante l'occupazione militare alleata in territorio poi restituito al Governo italiano.

Tale richiesta fu già fatta dal Maresciallo Badoglio al Generale Mac. Farlane il quale promise a suo tempo di dare istruzioni all'A.C.C. affinchè prendesse accordi in proposito col Ministero.

Nell'incontro del 7 luglio la Sottocommissione rese noto che avrebbe fatto i suoi passi presso il Gen. Alexander per ottenere quanto sopra e specificò che condizione per ottenere tale estensione dell'amnistia era quella di una interpretazione più rigorosa dei reati in danno degli alleati: ciò che è stato fatto con la circolare testè approvata.

Poichè numerose sollecitazioni pervengono al Ministero, specialmente dalla classe forense e poichè la richiesta appare opportuna e giusta si prega voler concordare l'estensione del Decreto di amnistia nel senso predetto.

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2. Uffici giudiziari di Terni.

Richiesta di un mezzo alleato per il trasporto di funzionari giudiziari a Terni.

3. Norme penali relative alla disciplina del conferimento del grano e dell'orzo del raccolto 1944.

La Sottocommissione aderisce allo schema di Decreto in oggetto.

4013/3.

MINUTES OF MEETING HELD ON 10 AUGUST 19[illegible]

Present : A/CLO
A/DCLO
Lt.Col.Hannaford
Sgt. [illegible]tein

H. [illegible] The Minister
Dott.Bonelli.

Meeting opened at 1115 .

1. Electricity for the Ministry and Minister's flat.

Lt.Col.Hannaford states that some arrangements will be made within the next 5 days. However, the current might not be available at all time.

2. Judicial Officials for Terni.

Agreed that:
(a) Capt.Peyton who is expected to visit HLO Region 4 at Rome next Saturday will on his way back take along in his car some of the officials ordered to return to Terni.
(b) Dott.Bonelli will forward to this Sub-Commission a memo with particulars of a car belonging to Procura of Rome. Permit to proceed to Terni will be obtained and those officials who will not be able to go with Capt.Peyton will go in this car.

3. Judicial officials at Viterbo.

The Minister reports that he will go to Viterbo next Friday and investigate the situation of the Courts on the spot. He proposes to take the same steps as in respect to Terni.

4. Amnesty.

The Minister requests the Legal Sub-Commission to consider the possibility of extending the Amnesty decree to common offences committed during the Allied occupation in Provinces which have since been restored to the Italian Government. Thus ~~any~~ offences against Allied interests and those tried by Allied Military Courts would be excluded from the Amnesty. CLO promises to consider this suggestion and take it up with competent authorities.

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5. Application of the new Ammassi-penalties decree.

CLO suggests postponement of the discussion on this subject until he has studied the new draft amendment of the Ammassi-penalties decree.

6. Travel of Comm.Migliucci to Court of Appeal, Aquila.

Agreed that the Ministry will arrange for his transport to Rome. The Sub-Commission will then provide further transportation to Aquila.

7. Pool of Judges for Northern Italy.

CLO stresses the necessity of having such pool ready for the case of a sudden advance of Allied Troops North. Minister reports that he has already taken steps in this direction on his [illegible]

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8. Changes in personnel of the Ministry and of the Courts at Rome.

The Minister reports that Sig.Rubiani, originally designated for the position of Director General for Penal Affairs at the Ministry will become Procuratore Generale of the Court of Appeal, Rome. Proc.Gen. of Cagliari Sig. [illegible], will

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be appointed to the Ministry in Rubiani's place. Sig. FERRARI, recently appointed Director General for Personnel Matters is so over burdened with the matters concerning epurazione that he cannot perform the duties of his office. For that reason Sig. Manca was appointed Director General for Personnel Matters. CLO notes these changes.

9. Dispatch of forms for notarial archives.

The Minister requests that a permission be obtained to dispatch the above forms in packages exceeding the one pound limit fixed by postal regulations. CLO promises to take this matter with competent authorities.

10. Bari Courts.

CLO agrees that the recommendation contained in Mr. Giannantonio's report be carried out. Pointing to the past experience, however, he requests an absolute assurance that the suggested remedies will really be put into effect without delay. The Minister gives his word that it will be done; he also points out that Sig. Cuomo, President of the Court of Appeal, will retire because he soon will reach the age limit. Sig. Ferrari has already taken the Tallarigo's place as Procuratore del Regno and this will be confirmed by the Ministry; the Minister is confident that he shall be able to induce Procuratore Generale DE SANTIS to agree to his transfer to another Court. CLO wishes that Sig. De Santis be not designated to an important Court in a port town or in forward areas. The Minister agrees.

11. Sardinia.

The Minister states that it now appears that no decree is necessary for authorizing the President of the Court of Appeal of Cagliari to recruit cancellieri. It will be done by a more circular which will be sent out at once. CLO agrees.

12. Amnesty circular.

Lt. Col. Hannaford confirms approval of the amended circular.

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13. Republican Fascist Laws.

The Minister repeats that this matter is handled by the Presidency of the Council; the Minister did all he could in his field: annulment of sentences of special tribunals, reinstatement in service of officials dismissed by fascist republicans; he also discussed this matter with Minister Bilienti.

14. Court of Appeal Section, Lucera.

The decree extending the existence of this Court is ready and Ministry of Treasury was asked to authorize the expenditure arising out of such extension.

15. Draft decree on amendments to CPP.

The Minister reports hearing opposition to this draft in the Council especially in respect to the extension of the power of the pretor so that he could issue "decreto penale" inflicting a penalty of imprisonment. CLO agrees that for the present only the extension of delays for "direttissima" will be enacted.

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16. Proposal of Police officer, Littoria to review cases of two life convicts in the St. STEFANO prison, who served 40 and 43 years respectively. The Minister will investigate the two cases with view of obtaining a pardon for the convicts.

17. Passes for officials to visit their damaged homes.

CLO says that for military reason requests for such passes should at present be discouraged. However, passes will be procured for journeys on official business or for other good reasons e.g. bona fide food procurement, trips to assist ammassi

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18. Mess for Ministerial officials.

CLO states that despite his strongest efforts he was not successful in obtaining an approval for a mess. The Minister requests permit to bring food to Rome for a mess set up on a cooperative basis. CLO asks for detailed explanation of the plan in writing and promises to take it up with Food Sub-Commission.

19. "Procura Centrale" - Order of Region IV.

Lt.Col.Hannaford explains that the "Procura" is an internal arrangement concerning offences against Allied Interests only. A notice in this sense will be published in the daily press.

20. Increase of salaries of judicial personnel.

CLO states that he presented the strongest possible case for such increase to the Labour and Finance Sub-Commissions. However, the competent authorities think that the entire structure of wages and salaries must be considered and there is not much hope that judicial personnel will be dealt with separately despite the particular importance of this group of officials.

21. Tribunale Militare Rome.

Minister requests that the offices of the Court be unsealed as the files contain important material to be used in proceedings under the law on sanctions against fascism. CLO promises to take necessary steps for reopening the premises and to advise the Minister.

22. Supply of gasoline to Ministries.

Minister is informed of the content of the Rome [illegible]/5146/Com of [illegible] July 1944 (Commerce Sub-Commission).

meeting closed at 1820.

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CLO

File

Agenda for meeting to be held
on 10 August 1944

1. Report of Mr. Giannantonio on Bari Courts.

2. Sardinia.
Progress on draft decree authorizing the Primo Presidente of Court of Appeal to recruit Cancellieri.

3. Amnesty.
Is the amended circular ready ?

4. Fascist Republican Laws.
Progress.

5. Application of new ammassi penalties decree.
Discussion of H.E. the Minister's letter written in reply to this Subcommission's letter. Question of judge granting delays for consigning wheat etc.

6. Draft decree extending the operation of Court of Appeal Section Lucera.
Progress.

7. Progress on enactment of draft decree on amendments to C.P.P. (Direttissima, Decreto penale).

8. Proposal of Police Officer at Vittoria to review cases of two life convicts in the S.Stefano jail who served 40 and 43 years respectively.

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9. Passes for officials to go to their homes on private business. to be discouraged except for Mezzogiorno.

10. It is necessary to prepare a pool of judges in case of fast Allied advance North.

11. Mess for ministerial officials.

12. Increase of salaries and indemnities of officials.
Must be taken up by the Prime Minister to provide for a uniform raise for all state officials.

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/pa

MINUTES OF MEETING HELD ON 3 AUGUST 44

Present : A/CLC
Lt.Col.HANNAFORD
Lt.Col.THACHRAH
Sgt.STEIN.

H.E.The MINISTER
Dott.BONELLI.

Meeting opened at 1115

1. Legal Sub-Commission's new directive on appointment of judicial officials in Military Government Territory.

The Minister requests that the directive be interpreted as authorizing him to order rather than request the Procuratore Generale in Military Government Territory to consult the MLO on any movement intended by the Ministry. Should the directive be interpreted as giving the Minister mere power to propose a transfer to the Procuratore Generale, the Minister's prestige in relation to his subordinate officials (Proc.Gen.) would suffer. Lt. Col.Hannaford thinks that this/purely a matter of phraseology and has no objection against the suggested interpretation.

2. Allowances of officials removed by republican fascist Government.

The Minister thinks that as the removal is considered nonexistent the officials will receive all the past salaries coming to them for the period of their forced absence from office. CLO states that the Financial Sub-Commission is in contact with the Minister of Treasury in respect to officials of all Ministries in order to settle this question in a uniform way. At this occasion the Minister stresses the present deplorable financial conditions of judicial personnel.

3. Mission to North Africa to obtain release of POWs - judicial officials.

The Minister returns to the list of such POWs submitted to him by Legal Sub-Commission and requests release of all listed therein. He also requests that a decision as to the mission be taken at an early date so that the status of TARTAGLIA who was to represent the Ministry be clarified. CLO promises to obtain decision at the occasion of submitting the above list to the competent authority. CLO thinks that in the meantime Mr.TARTAGLIA may be put to work.

124

4. Decree abolishing the death sentence.

CLO points out that neither he nor the Chief Commissioner nor Col.UPJOHN was ever consulted on the draft; the decree will necessarily affect the policy of the Allied Military Courts which in many instances in the past applied Italian law; Legal Sub-Commission should have been consulted. The Minister regrets the oversight and promises that it will never happen again.

5. Draft Decrees prepared by various Ministries.

CLO complains that individual Sub-Commissions present to Legal Sub-Commission draft legislation submitted by various Ministries; in many instances the drafts were very poor; it is therefore suggested that each

Declassified E.O. 12356 Section 3.3/NND No. 763046

1. Legal Sub-Commission's new directive on appointment of judicial Officials in Military Government Territory.

The Minister requests that the directive be interpreted as authorizing him to order rather than request the Procuratore Generale in Military Government Territory to consult the PLO on any movement intended by the Ministry. Should the directive be interpreted as giving the Minister mere power to propose a transfer to the Procuratore Generale, the Minister's prestige in relation to his subordinate officials (Proc.Gen.) would suffer. Lt. Col. Hannaford thinks that this/purely a matter of phraseology and has no objection against the suggested interpretation.

2. Allowances of officials removed by republican fascist Government.

The Minister thinks that as the removal is considered nonexistent the officials will receive all the past salaries coming to them for the period of their forced absence from office. CLO states that the Financial Sub-Commission is in contact with the Minister of Treasury in respect to officials of all Ministries in order to settle this question in a uniform way. At this occasion the Minister stresses the present deplorable financial conditions of judicial personnel.

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CLO complains that individual Sub-Commissions present to Legal Sub-Commission draft legislation submitted by various Ministries; in many instances the drafts were very poor; it is therefore suggested that each Ministry before submitting a draft to their respective Sub-Commission refer it to the Ministry of Justice which would see to it that a good drafting job is done. The Minister fully agrees with this suggestion and will bring it up in the Council.

6. Consigliere GENTILE of Sicily, appointed by AMG.

CLO states that in view of the attitude and behaviour of this official the Ministry is given a carte blanche to deal with his case.

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7. Electric current for the Ministry.

CC. states he is doing everything in his power to obtain electric current for the Ministry.

8. Bari Courts.

Minister presents a copy of Dr.Grandinetto's report and proposes that after the Legal Sub-Commission has studied it the three officials concerned be called to Rome for conference in which the problem would be settled once for all. CLC promises to read the report but points out that similar conference took place at Palermo without any result and past experience has demonstrated that the only solution would be the transfer of Procuratore Generale and Procuratore del Re and probably also of the First Presidant from Bari. The Minister agrees that the matter will be decided in a special meeting between him and the legal sub-commission which will be called as soon as the study of the report is completed. The Minister also points to the difficulty arising out of the irremorability of judicial officials except for breaches of discipline.

9. Sardinia-

The decree authorising Primo Presidente of Sardinia to recruit judicial will be approved in the next meeting of the Council.

10. Amnesty.

Lt.Col.Mannaford states that the 8th of September is to be considered the date of the beginning of the Allied Occupation for the purpose of Art.7 of the Amnesty decree in respect to the Provinces of Naples, Benevento, Avellino, Foggia and Campobasso. Art.7 cannot apply to the provinces situated north of those cut out above as they were not occupied by the Allied Troops before 4 April 1945, the Amnesty decree does not apply to offences committed after this date. Lt.Col.Mannaford approves the draft-circular presented to the Sub-Commission with the understanding that the above date will be added with adequate explanation. It is also agreed the the draft decree extending the amnesty law to the newly restored and to be restored provinces will not be published until all the provinces concerned are in fact restored.

11. Fascist Pepublican Laws.

Minister reports that the Presidency of Council is studying the problem and advises the CLC to apply pressure upon the Presidency to hasten the enactment of appropriate legislation. CLC stresses that the question of partisan, antifascist and jewish property is of particular urgency.

12. Application of new ecclesiastic-penalties decree.

Lt.Col.Mannaford acknowledges receipt of Minister's letter ; it is agreed that the matter will be discussed after CLC has read the letter.

13. Court of Appeal Section, Lucera.

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The decree authorizing Prime Presidente of Sardinia to recruit Cancellieri will be approved in the next meeting of the Council.

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123

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12. Application of new emmasi-penalties decree.

Lt.Col.Hannaford acknowledges receipt of Minister's letter ; it is agreed that the matter will be discussed after CLO has read the letter.

13. Court of Appeal Section, Lucera.

The Minister proposes to continue the operation of this Court beyond the date of restoration of Foggia Province. Agreed that the Minister will have the necessary decree approved and enacted.

14. Tribunale Velletri.

Minister reports that contrary to his orders the judges failed to open this Court and were severely reprimanded; it has now been agreed that subject further confirmation from Velletri as to the exact date of opening the Court will be be opened on the 24th of August. CLO agrees.

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15. Indemnita' di Toga for officials dismissed by fascist Republican Government.

Minister thinks that there is no doubt that these officials should receive all allowances coming to them for the time of their forced absence from office, including the indemnity di Toga; he states that this can and will be done by a simple order of the Ministry and without new legislation. CLO offers to take this matter up with Finance Sub-Commission. The Minister thinks that as the expenditure connected with this order is covered by past appropriation to the Ministry no further authorization is necessary.

16. Draft Decree on amendment to CPP.

Minister reports that this draft will be approved in the next meeting of the Council.

17. Draft Decree on Bar Associations etc.

The Minister states that he does not approve the draft as prepared by the past minister. He proposes to procure opinions of the Legal Professional organizations and appoint an unofficial Commission to redraft the law. CLO agrees.

18. Reform of Codes.

The Minister states that he intends to appoint a commission of lawyers with practical experience with the task to propose the most urgent reforms of the codes. The work of the commission is to be completed by next January.

19. Vacation in the Court of Turanto.

The Minister suggests to issue a circular requesting that the summer vacation be limited to the minimum; he feels that he cannot order the Court to remain in full operation but gives assurances that the violations of armassi and other serious cases will be taken care of.

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20. Draft Decree on unlicensed sale of liquor.

Lt.Col.Hannaford informs the Minister that the draft has been approved.

Meeting closed at 1230

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Minutes of Meeting held on 26 July 1944.

Present : A/CLO — H.E.The Minister
Lt.Col.Hannaford — Dott.Bonnelli.
Lt.Col.Thackrah
Sgt.Stein.

Meeting opened at 1130.

1. ACC circular on the application of the ammassi-penalties decree.
The Minister complains of a circular allegedly issued by an ACC authority in Sicily instructing the judges to apply the maximum of the penalties available under the new decree; the judges and attorneys are reported to have suspended their work in protest against such interference with judicial discretion. CLO promises investigation and points out that he is not aware of any such circular having been issued ; functioning of Courts must be assured at all times.

2. Light for the Ministry of Justice and Minister's flat.
At Minister's request CLO promises to bring this matter up again with competent authorities.

3. Reinstatement into service of officials removed by republican fascists.
The Minister stated that members of the Ministry had been removed by the fascist Republican Government either because of the fact that they had refused to take the fascost oath or go north with the fascist government and that he proposed to take back those members not clearly objectionable subject of course to their being defascistized later under the new law. He said that these people and their families were in dire financial straits and the former members of Ministry could well be used in the Ministry now. Under those conditions the CLO states that this is entirely Minister's responsibility.

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4. Ministerial Mess.
CLO answers Minister's inquiry by pointing out that Acting Chief Commissioner is in contact with the Presidency on this point.

5. Assembly of Magistrates at the Ministry of Justice.
Minister states that the above assembly purely non political and not in public session, is to be held on 31 July. CLO has no objection.

6. Approval for newspaper of the Democratic Christian Party. at Naples.
Minister reports that whereas a Communist newspaper was permitted by the competent board the request for the above paper was denied; Minister requests intervention if possible before next Sunday. CLO promises to inquire.

7. Procuratore Generale, Bari.
Minister states that Sig.Giannantonio has not returned despite Ministry's order by wire. CLO promises to hasten his departure by

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7. Procuratore Generale, Bari.

Minister states that Sig.Giannantonio has not returned despite Ministry's order by wire. CLO promises to hasten his departure by a wire to RLO 2. The Bari situation will be discussed when Sig.Giannantonio's report is available.

8. Sardinia.

Minister reports :

(a) There has been some change in the course of action agreed upon at the last meeting. He proposes to have a decree enacted authorizing the President of Court of Appeal to recruit Cancellieri; CLO agrees.

(b) The Procuratore Generale of Sardinia is authorized to

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operate 2 cars only; the Ministry has approached the Ministry of Finance with a request to authorize expenditures for other requisitioned cars.

(c) The request of RLO Reg.6 for replacement of Primo Presidente and Procuratore Generale by officials with AMG/ACC experience in Italy will be kept in mind by the Minister if and when in the course of the redistribution of personnel a replacement of the 2 officials is considered.

9. Circular on Amnesty.

Minister submits a memo suggesting two alternatives in respect of the exclusion from the amnesty of offences committed in now restored territories during the Allied occupation:

(a) the date of the beginning of occupation will be fixed by Legal Sub-Commission for each Province.

(b) this clause of exemption will be struck out all together.

Chief Legal Officer wishes to study the memo before taking decision. Minister agrees that a circular explaining the application of Art.9 of the Amnesty decree will be sent on to recently restored Provinces as it was done before upon publication of the Amnesty Decree.

10. Theft of Allied Supplies in Sardinia. Representation of ACC Interests in Court.

Minister states that if goods were merely in custody of SEPRAL, Allies are the "parte lesa" whereas if the title was in the SEPRAL, the Italian State would be the injuried party. CLO promises to obtain more information.

11. Fascist Republican Laws.

Minister states that the Presidency ofCouncil is preparing a comprehensive law. CLO stresses the urgency of settling the treatment of property confiscated for political or racial reasons. Minister answers that this aspect is covered by the draft annulling sentences of the Tribunali Speciali rendered after Sept.8, 1943. Another law will deal with sentences rendered before this date. In course of preparation.

12. Draft Decrees.

Draft Decrees on general penalties for non-delivery to ammassi amendments of C.P.P. and penalties for illegal sales of liquor submitted to CLO for approval.

13. Circular on priority to be given tocases of violation of ammassi-decree, circular on suspension of sentences under Art.163.C.P.

Minister submits copy of each circular for approval.

14. Date as of which the new penalties may be imposed.

Lt.Col.Hannaford stresses that in his opinion is at the time when charges were made the new decree has already been in effect the defendant should be charged under the new decree. The Minister agrees

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14. Date as of which the new penalties may be imposed.

Lt.Col.Hannaford stresses that in his opinion is at the time when charges were made the new decree has already been in effect the defendant should be charged under the new decree. The Minister agrees and promises to answer in writing this Sub-Commission's letter on this subject, also says that if charge made before new law because effective but accused is given by the Court a certain period to ammassi and fails to do so he can then be charged under the new law.

15. Courts of Assize Catanzaro and Reggio have not disposed of any cases at all.

~~The Minister reports~~ that he is ordering investigation.

16. Riots in Region VII. Release of Francesco RUSSO.

Same as above under 15.

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17. Personnel of the Ministry and of Roman Courts.
Minister relates recent movements and promises to send to the Sub-Commission a complete report.

meeting closed at 1250.

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4613/3

AGENDA FOR MEETING TO BE HELD ON 26 JUNE 1945.

1. Procuratore Generale, B.R.I.

Action to be taken to put into effect conclusions of Mr. Giammartenio's report (4011/11).

2. Sardinia.

(a) Cancellieri are most urgently required.

(b) Authorisation of expenditure for maintenance of cars requisitioned by Procuratore Generale (This Sub-Commission's letter on this subject refers)

(c) the replacement of Primo Presidente and Procuratore Generale del Re by officials with experience of AMG/ACC methods in Italy would be of great advantage (4043/8)

3. Amnesty.

Discussion on Draft Circular received from the Ministry. The date of commencement of Allied occupation for the purpose of Art. 7 Amnesty decree is to be fixed. (This Sub-Commission's letter refers) (4079)

4. Theft of Allied Supplies in Sardinia.

Representation of the interests of ACC as parte civile in the trial.

5. Fascist Republican Laws.

6. Draft decree on Marriages of Allied Forces as submitted by Ministry.

7. Progress on draft decrees.

Progress on draft decrees on general penalties for non-delivery to ammasi; amendments of CPP, fines for sales of Liquor.

8. Circular on priority to be given to cases of violation of ammassi decree.

Is it ready?

9. Effective date of the ammassi penalties decree.

Date as of which the new penalties may be imposed (This Sub-Commission's letter refers).

10. Circular on limited use of power to suspend sentences under Art. 163 C.P. (see last meeting). Is it ready?

11. Courts of Assizes Catanzaro and Foggia have not disposed of any cases at all.

12. Formalities for visits of members of Italian Government at the ACC HQ.

13. Riots at LANCIANO di BORGHESE. Arrest and release of Francesco Ruggo.

Copy of report to be handed over to the Ministry.

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SECRET
ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394

LCO/A013/3/2..

17 July 1946.

H.E. the Minister of Justice
Directorate of Courts & Justice
ROME.

Your Excellency,

Colonel Palmer and I will be very grateful if the proposed meeting could take place tomorrow, Tuesday, 18 July at 11.30 in the morning at the Ministry, at Caravaggio.

With very thanks.

Yours,

G. D. HADDAWAY.
Lt Col.
Officer i/c Italian Section,
For Acting Chief Legal Officer.

rlp.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

DGV/gmf

AGO/4013/3/4

16 Jul 44

SUBJECT: Meeting of 17 Jul 44.

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

1. Following Your Excellency's communication, I have the honour to forward you enclosed 2 copies of the agenda for the meeting which it is proposed to hold at the Ministry of Justice on Monday, 17 July.

2. It is suggested that the meeting take place at 1530 hours unless Your Excellency be otherwise engaged at that time.

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

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[illegible]
ALLIED CONTROL COMMISSION
APO 394
[illegible]

[illegible]/JJ.
14 July 1946.

[illegible]/23/L.

SUBJECT : Office reserved for Legal Sub-Commission in Ministry of Justice, Soldiers Quarters.

TO : U.S. Vice Minister of Justice.

1. With reference to our conversation on last Sunday between Your Excellency and Col Mumford, it has not been decided not to retain the office which Your Excellency kindly offered to keep for the use of this sub-commission in the Ministry of Justice. It is felt that with the return of the Italian Government to the capital there will be quite an influx of visitors and it is essential that a room be available for the Chief Legal Officer, Allied Control Commission when he visits the Ministry or if the seat of the Allied Control Commission should be moved to Rome, or the Chief Legal Officer deem it to be necessary.

[illegible]
Colonel, AGD,
Acting Chief Legal Officer.

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4003/3

2. Sen of Harbin held re 20 Jan ...

[illegible]

1. [illegible] to deliver sheet and note to consul (draft decyphered).
[illegible] to be sent to consul to request [illegible] in the interest [illegible] of Americans next [illegible]. [illegible] Chinese pointing [illegible] Americans who have by now evacuated the interest and failed to deliver the [illegible] may be charged under [illegible].

2. [illegible] to [illegible].
[illegible] to inform the Chinese that the question would take too long a time and would not be concluded before the navy is there.

[illegible]

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(401) 3 file

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6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

11. [illegible]

12. [illegible]

13. [illegible]

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7 b

[illegible] 17 June 44

[illegible] with interdepartmental [illegible]

[illegible] Colonel Donnedieu, Room 10/108.

1. I have to inform you of a meeting held with the following representatives of [illegible] Ministry of Justice, WC2, on 16 Jun 44, namely:

[illegible]	-	Justice
[illegible]	-	Treasury
[illegible]	-	Army
[illegible]	-	Interior
[illegible]	-	Public Works

2. They raised the following points which I said I would bring to your attention:-

(a) They pointed out that there was only 3 days supply and that as all of the staff is starting to eat in the fields on many of the premises have left.

There was also the question of getting the staff into the City and they suggested that one might go under Vatican transport. I did not know at this time that you had already made arrangements for this.

(b) They pointed out that with the exception of the Ministries of Justice, Army and Navy and Foreign Office (one of which in fact had interdepartmentalwork on '8' Force) all Ministries were still sealed up and they were unable to get on with their business or to produce lists of civil servants whose pay would fall due on the 26 Jun 44. The latter reason worried them a good deal more I thought than the former. At the same time I venture to think that with proper safeguards it would be very advantageous if all the Ministries could be opened.

(c) They said that the arrest of Fascist functionaries was in their view going much too slow. The Allies had dismissed a lot of Fascists too old to be dangerous but a large number of younger men who ought to be looked up were still at large. I asked each of the Interdepartmentalists to send to you lists of the persons they thought should be looked up for Fascist sympathies as soon as possible.

(d) They asked for petrol to go to [illegible] but Mr. Lincoln intervened & informed he this should not be allowed.

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C. H. Mitchell,
Colonel.
Chief Legal Officer.

Copies to: Chief Commissioner.
V2 Adv Sec

Top Carbon Copy to C.M. Fisher via Lt Col Hammaford
Carbon hand to CC. by me.

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[illegible]

[illegible]

[illegible]

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9. Draft decree on duties of investment counselors.
A draft decree is ready for next meeting of the Council of Ministers. It embodies the following amendments proposed by Legal Subcommission:
(a) "Classification": time limits extended from 5 to 30 days.
(b) Increase of fines.
(c) Double penalty - (illegible) extended.
(d) Failure to notify "inside item" is a new constitute ground for nullity.

9. Draft decree to increase fees for official acts or issues under Public Safety Law.
Comm. Gouli promises to prepare next week.

10. Continuation of publication of Foreign Markets during the present crisis.
The U.S. will continue to support this Mr. Leonard to inform Dr. Schacht decree on Friday when the problem study.

11. Travel by Jews.
Mr. Ernest's name will be added to the list of officials to go to Rome as soon as instructions to proceed.

12. Participation in administration of justice. Salomo Levitan.
Fourth status that to improve the situation 5 assistant were given judicial powers and additional 4 magistrates will be assigned to perform by a measure which is in course of preparation.

Meeting closed at 7P.M.

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agreed that it is advisable to hold up the enactment of such provision until after the commencement of the harvest; the present ~~x~~ provisions concerning the penalties for nondelivery shall be applied in full in the meantime so that the farmers will not be encouraged to take a chance and disobey the law; once the [illegible] are in course it will be possible to estimate whether the above provision is advisable.

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4013/3

AGENDA FOR MEETING ON 26 MAY 1944

1. Defascistization. Letters from Ministry to Region 3.

2. Col. Cousin's letter on extension of the 5 days period in "direttissimo" to 10 days.

3. Terminology: liberato etc.

4. Ammassing of wool. Publication date.

5. Position of decree on dissolution of fascist organizations.

6. Situation at Bari reputed very grave. Inspector to be sent. Procuratore Generale De Santis visit.

7. Superior magistrates; list of movements. No action to be taken until confirmation.

8. Final draft decree on [illegible] movements of [illegible], etc.

9. Germany.

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4013/[illegible]

MINUTES OF THE MEETING HELD ON 24 MAY 1944

PRESENT : Col. [illegible] R. [illegible]
Col. Wilmer
Maj. Alexander
Maj. Thackrah
Maj. Wilson (P.E. [illegible])
Dott. Giulli
Sgt. Stein

H. E. The Minister
Sig. Spallanzani
Comm. De Villa
Comm. Zeuli
Dott. Bonelli

Meeting opened at 1130. - Subject of the Meeting : SARDINIAN prisons and courts.

1. Transfer of prisoners.
Sig. Spallanzani points out:
(a) There are 5[illegible] persons in excess of normal capacity in Sardinia prisons. These 5[illegible] persons are military personnel and will be transferred to a military establishment at Oristano which is being put in shape ~~at Oristano~~.

(b) There is room for 5[illegible] more persons in the " colonie penali"; 3[illegible] can be absorbed at once and 2[illegible] later on after the number of guards has been increased and necessary repairs completed.
About 3[illegible] prisoners shall be transferred from Region II to Sardinian " Colonie Agricole" as agreed with P. E. G/C

2. Judicial Personnel.
agreed that the emergency requirements have been met by sending 6 judges to Sardinia and granting judicial status to 11 uditori; the Procuratore Generale will suggest to the Ministry in agreement with Major Alexander the place to which the above judges should be assigned and what necessary transfers should be made later on if the need should arise.

3. Prison Commission.
agreed that no such commission will be sent to Sardinia. The matter will be taken up again if it should appear from the monthly reports of the Procuratore Generale to Major Alexander that there was a deterriorisation of the situation.

4. New decree designed to relieve prison situation.
Comm. Zeuli states that the decree limits the cases of obligation and facultative warrants of arrest. Where in such cases arrest has previously been effected provisional [illegible]

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Meeting opened at 11h. - Subject of the meeting : [illegible] prisons and courts.

1. Transfer of prisoners.

Gen. Spallanzani points out:

(a) There are 5[illegible] persons in excess of normal capacity in Sardinia prisons. These 50 persons are military personnel and will be transferred to a military establishment at Piacenza which is being put in shape at present.

(b) There is room for 50 more persons in the " colonia penali"; [illegible] can be absorbed at once and [illegible] later on after the number of places has been increased and necessary repairs completed.

But if prisoners should be transferred from Region II to Sardinian " colonia penale" as agreed with [illegible] C/C

2. Judicial personnel.

Agreed that the emergency requirements have been met by sending 8 judges to Sardinia and granting judicial status to 11 uditori; the Procuratore Generale will suggest to the latter in agreement with Major Alexander the place to which the above judges should be assigned and what necessary transfers should be made later on if the need should arise.

3. Prison Commission.

Agreed that no such commission will be sent to Sardinia at present. The matter will be taken up again if it should appear from the monthly reports of the Procuratore Generale to Major Alexander that there was a deterioration of the situation.

4. New decree designed to relieve present situation.

Comm. Zeuli states that the decree limits the cases of obligation and facultative warrants of arrest. Where in such cases arrest has previously been effected provisional liberty will be granted upon publication of the decree; a draft of the decree will be sent to Legal Subcommission. Gen. Spallanzani warns that the decree will have limited effects only in Sardinia because it will not apply to serious offences such as murder, robbery etc. which are the most common crimes on that Island.

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5. Transportation for persons summoned by Court.
Major Alexander emphasizes that lack of means of transport is the most serious obstacle for the administration of justice; the tribunali, as pointed out by Sig. Spallanzani, were instructed to sit 3 times a week but often the absence of parties renders the proceeding impossible. To meet these difficulties Sig. Spallanzani suggests that the use of "decreto penale" a sentence issued in fiscal matters without trial (trial takes place only if the party objects against the decree within fixed time) be extended to penal cases of minor relevance such as rationing violations. All present agree with this suggestion. The Ministry will draft the necessary draft decree.

6. Witness expenses.
Major Alexander stresses:
(a) inadequate compensation for witness expenses.
(b) advisability to bring Cagliari within the law on special allowances for emergency residence.

The Minister promises action; the second point must be presented to Presidency of Council of Ministers.

7. Additional allowance to ushers in courts of conciliation (uscieri di conciliazione) at Naples.
Comm. ANDLI thinks such allowance should be granted as they were accorded to ushers in other courts; he will write a letter on this.

Meeting closed at 1230.

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ACC/4010/3/1

Minutes of the Meeting held on 19 May 44

Present: DCLO
Major Hannaford
Major Palmieri
Major Thatcher
Dott. Ciulli
Sgt. Stein
H.E. The Minister
Avv. Della Pietra
Comm. Zauli
Comm. DeVille
Comm. Florio

Meeting opened at 1530.

1. The situation in Bari Courts.
Discussion postponed because the Bari officials expected today have not arrived.

2. Epurazione.
Minister states final draft will be signed by the King on Monday, published probably Wednesday.

3. Sardinian Commission.
Discussion postponed until the Procuratore Generale arrives from Sardinia.

4. Transfer of jurisdiction from A.M. Courts to Italian Courts at Naples.
Major Palmieri states that in Naples by order of the Prefect blackout violations are dealt with by the pretore and not by Allied Courts. Other offences will be considered later.

5. Defascistizations of laws.
Minister states that a memo is ready for the Subcommission. A civil and a penal Commission are at work.

6. Appointments of advocates and procuratori to judicial offices.
Agreed that passing of a decree permitting the above shall be postponed until the personnel situation at Rome after German withdrawal is known. DCLO points out that ACC will follow in AMG territory the course of the Ministry.

7. Decree on Palermo Court of Cassation.
Major Hannaford states that the endorsement of this decree will be published next week.

8. Salerno Court of Cassation - premises.
Major Hannaford says he wrote to the town major on the above.

9. Terminology (territorio libero, liberato etc.).
Discussion postponed until the return of CLO. Major Hannaford thinks that using the term "controllato" for AMG territory would be misleading. The Minister suggests using the words "amministrato dal A.M.G.".

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10. Personnel.
(a) Major Hannaford emphasizes that Mr. Zauli and Montefusco will move to Rome about 2 days after its occupation.
(b) Several proposed transfers in Region 3 are discussed.

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Meeting opened at 1530.

1. The situation in Bari Courts.
Discussion postponed because the Bari officials expected today have not arrived.

2. Ordinances.
Minister states final draft will be signed by the King on Monday, published probably Wednesday.

3. Curtailment Commission.
Discussion postponed until the Procuratore Generale arrives from Berlin.

4. Transfer of jurisdiction from A.M. Courts to Italian Courts of Assize.
Major Reinhardt states that in Naples by order of the Prefect blackout violations are dealt with by the pretore and not by Allied Courts. Other offenses will be considered later.

5. Defascistications of laws.
Minister states that a memo is ready for the Subcommission. A civil and a penal Commission are at work.

6. Appointments of advocates and procuratori to judicial offices.
Agreed that passing of a decree permitting the above shall be postponed until the personnel situation at Rome after German withdrawal is known. SCAC points out that ACC will follow in AMG territory the course of the Ministry.

7. Decree on Palermo Court of Cassation.
Major Hannaford states that the endorsement of this decree will be published next week.

8. Palermo Court of Cassation - premises.
Major Hannaford says he wrote to the town major on the above.

9. Terminology (territorio libero, libertato etc.).
Discussion postponed until the return of SCAC. Major Hannaford thinks that using the term "controllato" for AMG territory would be misleading. The Minister suggests using the words "amministrato dal A.M.G.".

95

10. Personnel.
(a) Major Hannaford emphasizes that Mr. Zeuli and Montefusco will move to Rome about 2 days after its occupation.
(b) Several proposed transfers in Region 3 are discussed.

11. Amnesty.
Mr. Zeuli reports that the Minister answered Marshal Badoglio's letter on this subject by pointing out that the Marshal should request the Chief Commissioner to authorize legal Subcommission to discuss possible adjustment of Art. 7 of the Amnesty Decree.

12. Petitions for Pardon.
Agreed that in each recommendation the Ministy will specify whether pardon is to be given conditionally or unconditionally.

Meeting closed at 1600 hrs.

DS/gmf

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Declassified E.O. 12356 Section 3.3/NND No. 735016

Declassified E.O. 12356 Section 3.3/NND No. 785016

Minutes of meeting held on 12 May 194[illegible]

Present: Col. Upjohn
Major Hannaford
Major Thackrah
Dott. Ciulli
Sgt. Stein
H.E. The Minister
Comm. Zeuli
Pretore Rocco
Dott. Bonelli

Meeting opened at 1605.

1. Terminology: liberated territory.

Answering CLO's question the Minister states that the new terminology has not yet been designed.

2. Epurazione.

The Minister reports that the final draft transmitted to the Subcommission was approved by the Council with a few changes which shall be communicated to the Subcommission. CLO states that immediately upon the promulgation of the decree its republication in AMG territory will be considered.

3. Defascistization of laws.

In reply to CLO's query as to the progress of this project the Minister explains that the study of the problem continues but no attempt will be made to redraft the codes due to the fact that a greater part of the country is still occupied. However the purely fascist provisions will be eliminated.

4. Decree setting up the Court of Cassation at Salerno.

CLO assures the Ministry that this decree shall be republished in AMG territory within a short time.

5. Legal Publication.

Shown the applications for permit to publish the magazines "Jus Gentium" and "La Giustizia" the Minister indicates that neither of the two is of interest to the Ministry but that the second one might be useful to the public.

6. Personnel matters.

(a) The Minister states that the project to appoint advocates and procuratori to judicial offices has been dropped for fear that only lawyers of inferior quality would be willing to accept.

(b) Assignment of judges to other Ministries. It is agreed that one judge would be attached to the Ministry of Communications but if he should be selected from Naples another official will be sent to take his place at Naples.

(c) Promotions. It is also agreed that lists of proposed promotions of officials in AMG territory will be first submitted to the Subcommission before the promotions are made.

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7. Magistrates for Rome.

Mr. Zeuli states that 12 judicial officials are ready to move to Rome at 24 hours notice and 40 more at 15 days to one month's notice.

8. Italian Decrees with effect in AMG territory.

Minister's attention is drawn by Major Hannaford to the decree appointing a Ministerial Commissioner for the Istituto Autonomo per le Case Popolari della [illegible]incia di Foggia. The Minister [illegible]

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not yet been designed.

4. Ispezioni.

The Minister reports that the final draft transmitted to the Subcommission was approved by the Council with a few changes which shall be communicated to the Subcommission. CLC states that immediately upon the promulgation of the decree its republication in AMG territory will be considered.

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4. Decree setting up the Court of Cassation at Salerno.

CLC assures the Ministry that this decree shall be republished in AMG territory within a short time.

5. Legal publication.

Among the applications for permit to publish the magazines "Jus Gentium" and "La Giustizia" the Minister indicates that neither of the two is of interest to the Ministry but that the second one might be useful to the public.

6. Personnel matters.

(a) The Minister states that the project to appoint advocates and procuratori to judicial offices has been dropped for fear that only lawyers of inferior quality would be willing to accept.

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92

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Mr. Zeuli states that 12 judicial officials are ready to move to Rome at 24 hours notice and 40 more at 15 days to the month's notice.

8. Italian Decrees with effect in AMG territory.

Minister's attention is drawn by Major Hannaford to the decree appointing a Ministerial Commissioner for the Istituto Autonomo per le case popolari della provincia di Taranto. The Minister states that in future when a decree of similar character is sent to the Ministry a copy will be given to the Subcommission before publication in G.U.

9. Transfer of jurisdiction from Allied Military Courts to Italian Courts.

Major Hannaford points out that two things have to be done:

(a) Those acts which constitute offences under AMG legislation but not under Italian law will have to be made punishable under Italian law.

(b) The maximum limits of fines will have to be moved up. It is agreed that all fines will be increased to meet the changes in the value of the Lira and penalties for food rationing violations will be increased in addition to the general increase. Excessive profit will be considered as aggravating circumstance which would entail additional increase of fine. A draft decree shall be submitted to the Subcommission at the next meeting

Meeting closed at 1645.

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ACC/NOII/3/L.

MEETING WITH THE MINISTER OF JUSTICE HELD ON
2 MAY 1944.

PRESENT :

Col. C. B. UPJOHN.	H. E. The Minister of Justice.
Major G. G. HANNAFORD.	Sig. ZULI.
Major E. L. PALMIERI.	Avv. DELLA PIETRA.
Major A. R. MACKENZIE.	Comm. DE VITA.
Dott. GIULI.	Comm. FLORIO.
Sgt. STEIN.	Dott. MONELLI.

Meeting opened at 1000 hours.

1. Legal Periodicals

Major Hannaford explains that the Allied Publications Board requests information on the desirability of legal periodicals with the view of keeping the number to a minimum because of the scarcity of paper. The Minister points out there are three types of such periodicals: official legal bulletins of Prefects etc., periodicals with reports of cases and papers representing class interests of the legal profession. The Minister states that only the first type is of vital importance and does neither consider the two other types essential nor does he wish to express his opinion as to which of the individual papers should be given preference.

2. Epurazione.

The Minister reports that he presented a draft to the Council of Ministers last Thursday and the Council has resolved that the final draft should be presented to the Council next Thursday for approval.

This draft will be ready this afternoon and will be sent to all Ministers and to the Legal Sub-Commission. The Minister remarks that in substance of H.E. Casatti's draft was followed with some changes consisting in a more concise and legalistic formulation of fascist crimes.

3. Terminology of various parts of the Italian Territory.

Col. Upjohn calls the attention of the Minister to the indiscriminate use of terms "territorio libero", "liberato" etc. The Minister states that the term "liberato" as a rule connotes the entire territory liberated from the enemy and that a new terminology will be found.

4. Officials for Roman Courts.

In reply to CLO's query Mr. Florio states that a number of magistrates who escaped from Rome or other parts of enemy held territory and who are now temporarily attached to courts in Allied Controlled territory shall be used for Rome. The Ministry have also sent out a circular asking for volunteers willing to go to Rome. At peace time there were about 250 magistrates at Rome and at least 200 of them are

normal strength Rome Court of Appeal

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Major [illegible]
Dott. GIULI.
Sgt. STEIN.

Comm. FLORIO.
Dott. MONELLI.

Meeting opened at 1600 hours.

1. Legal Periodicals

Major Mann [illegible] that the Allied Publications Board requests information on the desirability of legal periodicals with the view of keeping the number to a minimum because of the scarcity of paper. The Minister points out there are three types of such periodicals: official legal bulletins of prefects etc., periodicals with reports of cases and papers representing class interests of the legal profession. The Minister states that only the first type is of vital importance and does neither consider the two other types essential nor does he wish to express his opinion as to which of the individual papers should be given preference.

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3. Terminology of various parts of the Italian Territory.

Col. Upjohn calls the attention of the Minister to the indiscriminate use of terms 'territorio libero', 'liberato' etc. The Minister states that the term 'liberato' as a rule connotes the entire territory liberated from the enemy [illegible] that a new terminology will be found.

4. Officials for Roman Courts.

In reply to CLO's query Mr. Florio states that a number of magistrates who escaped from Rome or other parts of enemy held territory and who are now temporarily attached to courts in Allied Controlled territory shall be used for Rome. The Ministry have also sent out a circular asking for volunteers willing to go to Rome. At peace time there were about 250 magistrates at Rome and at least 200 of them are [illegible]. Mr. Florio points out that about 100 men could be moved to Rome at one months notice. At CLO's request Mr. Florio promises to compile at once a list of a group of officials who would move to Rome at 10 days notice. The list will show the name, grade and present residence of each official.

5. Personnel for Sardinia.

Major Palmieri reports that Judicial officials at NAPLES are reluctant to go to SARDINIA. Col. Upjohn insists that 4 judges be sent from NAPLES and 4 from the Ministry. The Minister deems it impossible to send 4 Consiglieri from the Ministry. It is agreed that after the meeting Major Palmieri, Major Palmieri and Mr. Florio shall determine the classes of officials to be selected for SARDINIA. The Ministry will also submit the names of the eight men who will leave within one week.

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6. Requests from other Ministries for judicial officials to serve in legislative sections.

It is agreed that due to the scarcity of personnel the above requests cannot be considered; the A.M.G. approval of assigning two judges from MINES to the Ministry of Communications is rescinded. Major Hammaford suggests that the legislation shall have to be prepared in the Ministry of Justice and that an appeal be directed to practising lawyers requesting them to volunteer for government services. Such volunteers could be used for the above purposes.

7. Selection of P.W's - judicial officials.

The CLO requests the Ministry to appoint an official who would accompany a legal officer on a tour of P.W. camps for the purpose of compiling a list of P.Ws to be released. The Ministerx declares that he shall be glad to do so. Mr. Florio reports that a list of P.Ws officials has been compiled but that additional information has been requested by wire from various offices.

8. Tax exemptions for industrial plants.

Mr. Zeuli states that a letter is being sent to Legal Sub-Commission requesting the republication of a decree on the above subject in A.M.G. territory. The CLO promises to transmit the letter to the Finance Sub-Commission.

9. Reggio Calabria Court.

The Minister announced the designation of Consigliere Fierimonte to accompany Major Theakrah to REGGIO.

10. Appointment of a Commissioner of Istituto Poligrafico dello Stato. (Decree 19 Feb 1944).

Major Hammaford points out that by the above decree it was sought to appoint a Commissioner with powers over a plant at FOGGIA. That cannot be done unless the validity of the decree is extended to A.M.G. territory. Major Hammaford suggests that whenever a similar problem comes up the draft decree should be taken up with the Sub-Commission and arrangements made for its simultaneous publication in restored and occupied territory.

11. Distribution of cases concerning offences against allied interests between Italian Civil and Military Courts.

Major Hammaford refers to previous directive of the Ministry issued at the request of this Sub-Commission and entrusting the Procuratori del Re with the above distribution; a new xxx circular is requested which would instruct the Procuratori to refer to Military Court a due proportion of cases. The matter will be further discussed this afternoon in Gen. Traina's presence and Comm. De Villa promises to attend the meeting.

12. Court of Cassation.

Mr. Zeuli reports that the rooms in the building next to the Palace of Justice might not be needed because there

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appeal be directed to practising lawyers requesting them to volunteer for government services. Such volunteers could be used ~~for the above purposes.~~ - existing persons.

7. Selection of P.W's - judicial officials.

The CLO requests the Ministry to appoint an official who would accompany a legal officer on a tour of P.W. camps for the purpose of compiling a list of P.Ws to be released. The Ministerx declares that he shall be glad to do so. Mr. Florio reports that a list of P.Ws officials has been compiled but that additional information has been requested by wire from various offices.

8. Tax exemptions for ~~industrial plants.~~ Corporations

Mr. Zeuli states that a letter is being sent to Legal Sub-Commission requesting the republication of a decree on the above subject in A.M.G. territory. The CLO promises to transmit the letter to the Finance Sub-Commission.

9. Reggio Calabria Court.

The Minister announced the designation of Consigliere Fierimonte to accompany Major Thackrah to REGGIO.

10. Appointment of a Commissioner of Istituto Poligrafico dello Stato. (Decree 13 Feb 1944).

Major Hannaford points out that by the above decree it was sought to appoint a Commissioner with powers over a plant at REGGIA. That cannot be done unless the validity of the decree is extended to A.M.G. territory. Major Hannaford suggests that whenever a similar problem comes up the draft decree should be taken up with the Sub-Commission and arrangements made for its simultaneous publication in restored and occupied territory.

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12. Court of Cassation.

Mr. Zeuli reports that the rooms in the building next to the Palace of Justice might not be needed because there is a possibility to obtain office space in a requisitioned college. The CLO states in confidence that the previously considered space in the building adjoining the Vella Mese will not be available.

13. The "Direttissimo" trial.

Major Hannaford announces the intention to publish in A.M.G. territory an order embodying the provisions of the Ministry's circular issued about 2 months ago on the above subject. The matter will be discussed later on in detail.

14. Meetings to be held twice a week.

It was agreed that meetings with the Ministry will be held on Tuesday and Friday afternoons.

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15. Confiscated weapons in Italian hands.

Mr. De Villa reports that according to reports from Messina in many instances Allied Military Tribunals which tried cases involving illegal possession of weapons failed to determine the fate of the confiscated weapons. A ruling is requested from the Sub-Commission on this subject. Mr. De. Villa suggests that Ministry of War be given authority to designate some military unit to which the weapons are delivered. Col Lapsley promises speedy answer.

Meeting closed 1130 hours.

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4013/3

Agenda for meeting with the Ministry of Justice to be held on 5 May 1944

1. Personnel matters:
(a) [illegible] to be sent to Sardinia.
(b) Temporary [illegible] of avvocati and procuratori to judicial offices to [illegible] in localities with overcrowded prisons - analogy with Sardinia. More frequent use of release of on bail
(c) Rules and procedure for submitting requests for assignment of magistrates to various Ministries. Why no use is made of officials of the Avvocatura Dello Stato?
(d) General authorization of appointments and promotions of magistrates and functionaries entitled thereto and necessary to fill in vacancies in Regions 3 & 5.

2. Distribution of cases between civil and military tribunals in Region 2.

3. Decree of the Chief of Government 13 Mar. 44 in regard to the appointment of a Commissioner to [illegible] Istituto Poligrafico dello Stato especially for the paper works in Foggia.

4. Definition of the term territorio "liberato" "libero" "restituito" "controllato".

5. Legal periodicals.
(a) Opinion of the Ministry on "Vrihora Forense" of Naples to be reported to Allied Publication Board.
(b) Concentration of legal periodicals in a few responsible publications.

6. Equation.

7. An Italian official to inspect [illegible] of Genoa for the purpose of selecting [illegible] which could be repatriated.

8. Commutation for Rome.

9. Premises for Court of Cassation.

10. Decree on rationing of electric power.

11. Puggio Malabria.

12. Nathalsi prison (Major Thackrah on behalf of Col. [illegible]).

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4. Ministry's Communications to Sicily and Sardinia.
Col. Upjohn offers to transmit urgent communication of the Ministry to Sicily and Sardinia in view of the shortcomings of civilian Italian communications.

5. Epurazione.
Answering Col. Upjohn's query as to the present state of this matter the Minister states that tomorrow he will present a report to the Council of Ministers and will be ready to discuss the subject with this Subcommission early next week.

6. Reorganization of Bar Associations.
In reply to Col. Upjohn's question the Chief of Cabinet states that a draft of a decree is being ~~xxxxxxxx~~ prepared dealing with this subject.

7. Complaints of the Ministry.
(a) It was proposed to transfer a squadrista from Avellino to Naples. The Ministry wrote a letter on this subject.
(b) Would the Legal Subcommission please take up the matter of the archives at Salerno with proper authorities.

8. Re-appointments of removed officials.
Mr. Montefusco wishes to know whether there is any objection on the part of the Subcommission against appointing officials interned for political reasons and subsequently released. The appointments would be valid pending the defascistization proceeding and would be made to localities other than those of the original residence of the released official. Col. Upjohn answers that each case must be treated separately on its merits.

9. Both the CLG and PE the Minister express sincere hope for a spirited cooperation in the interest of the common cause.

Meeting adjourned at 1645.

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[illegible]/3/1

Minutes of Meeting with the Ministry
of Justice held on 25 April 44

Present: Col. Upjohn
Lt. Col. Wilmer
Major Franklyn
Major Hannaford
Major Thackrah
Mgt Stein

Comm. Zeoli
Comm. Spinelli
Comm. Vito
Lt. Ciulli

Place : Office of the CLO.

Meeting called to order at 10[illegible].

1. Offences against Allied interest. Representation of Allied civil interest in the criminal proceeding.

CLO points out that:

(a) Whenever Allied authorities so request the Avvocato dello Stato shall assume the representation of civil interests of the Allied Party.

(b) If the request under (b) is not made the proceeding will be completed without any representation and without delay.

Comm. Spinelli points out that a "citazione" (serving of notice upon the civil party) is obligatory under Italian law.

Agreed that:

(i) In the decree ~~amending certain articles of the Code of Penal Procedure which is in course of preparation~~ the following article shall be inserted:

"The failure to serve notice upon the offended party shall not constitute a ground for nullity of the proceeding". (Non a causa di nullità, la mancanza di citazione della parte lesa).

(ii) A circular shall be prepared by the Minister setting forth the cases in which a "citazione" shall be required (i.e. cases where the offended party is an individual member of Allied forces or where damage of certain minimum value is involved), the form and machinery of "citazione", the address to which the citazione is to be directed (Provincial Commissioner)

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2. Dissolution of fascist organizations.

Major Hannaford requests that "Unione Fasciste Famiglie Numerose" be included in the list of organizations to be dissolved. Lt. Ciulli thinks ~~[illegible]~~ that it has already been included.

3. Marriages of Allied Forces in Italy.

Due to the recent request of the Legal Subcommission that not only the Catholic but also all other chaplains representing religions "admitted" in Italy be authorized to officiate at the above marriages, the draft had to be changed and will be produced in short time.

4. Inspection of the Reggio Calabria Court.

Major Thackrah
Sgt Stein

Comm. Sedli
Comm. Spinelli
Comm. Vito
Lt. Ciulli

Place : Office of the CLO.

Meeting called to order at 1615.

1. Offences against Allied interest. Representation of Allied civil interest in the criminal proceeding.

CLO points out that:

(a) Whenever Allied authorities so request the Avvocato dello Stato shall assume the representation of civil interests of the Allied Party.

(b) If the request under (b) is not made the proceeding will be completed without any representation and without delay.

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85

2. Dissolution of fascist organizations.

Major Hannaford requests that "Unione Fascista Famiglie Numerose" be included in the list of organizations to be dissolved. Lt. Ciulli thinks ~~[illegible]~~ that it has already been included.

3. Marriages of Allied Forces in Italy.

Due to the recent request of the Legal Subcommission that not only the Catholic but also all other chaplains representing religions "admitted" in Italy be authorized to officiate at the above marriages, the draft has to be changed and will be produced in short time.

4. Inspection of the Reggio Calabria Court.

CLO stresses the urgency of the inspection trip although he appreciates the new element brought in the picture by the change of government.

5. Harbouring of Allied deserters.

The representatives of the Ministry believe that there is no express provision in Italian law declaring the above to be a separate offence. However, Comm. Spinelli maintains that desertion constitutes a continuing offence and whoever harbours a deserter is aiding and abettingin the commission of the crime of desertion and becomes punishable as accessory. Art. 15 of the Penal Military Code justifies the application of the above reasoning upon harbouring allied deserters.

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7. Offences against Allied interests.

Disposition of stolen or damaged property. Major Franklyn states that under the present practice the Allied police authorities take possession of all the stolen or damaged Allied property which are recovered by them. Agreed that this practice will be continued and that the Ministry will instruct the Procuratori to apply to the local legal liaison officer whenever they need such property to be used as corpus delicti or for purposes of investigation. The Ministry shall forward a copy of the directive on this subject to Legal Subcommission which will transmit it to Allied military authorities.

7. Judicial Personnel.

The CLO congratulates the representatives of the Ministry on the efforts displayed in Region 2 by the officials in charge of administration of justice. Comm. Vito admits that much could be improved; many vacancies are to be filled e.g. 24 monaco requests 4 Consiglieri, Pozzi (although up to full strength) needs temporary help. CLO reports the complaints of the Primo Presidente of Catanzaro in regard to Giudice Istruttore Di Stefano at Castrovillari who proved to be unsatisfactory; the CLO also requests that the Consigliere Rocco of Potenza be called to explain why he put only 3 times at Potenza and be given an admonition. Additional personnel is also needed for the Procura at Brindisi. Major Franklyn points out that many judges who were ordered to take up a different office did not obey the order. Comm. Spinelli points to the transportation difficulties and expenses involved in travel. The latter will be taken up by the Italian Government in an inter-ministerial conference. Promotions of uditori will also be made on basis of old or new competitive examinations. It is agreed that the Ministry will at once prepare a statement showing vacancies in Courts located in Region 2 and indicating how many of these vacancies can be filled presently. This statement will be given to Legal Subcommission this afternoon.

8. Comm. Vito's observation on situation in Region 2.

Comm. Vito states that his suggestions concerning the reports to be rendered by Hospital authorities in regard to injuries suffered by members of Allied Forces are fully set out in his memo which he presented to Major Franklyn. Furthermore, he points to the problems arising out of the overcrowding of prisons in Region 2. CLO informs the meeting that a conference will be held in which Lord Stonegate, and representative of Public Safety Subcommission and of Army Subcommission will participate. The Ministry will be invited. Answering Comm. Vito's question CLO stresses the continuing importance of vigorous prosecution of black market offences without regard to quantity of goods involved. Comm. Spinelli remarks that a new food regulation decree is being prepared with special provisions for black market offences involving small quantities bought or sold for home consumption.

9. Mr. ZAOLI, the new Chief of Cabinet, emphasizes his desire for closest and most cordial cooperation. CLO assures him of full support.

Meeting adjourned at 1220 hours.

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AGENDA FOR MEETING WITH MINISTER OF JUSTICE

1. Dissolution of fascist organizations (Adm. VP directs to include Unione Fascists Famiglie Numerose).

2. Marriage laws (modification of draft decree).

3. Rationing of electricity(alterations of decree made after approval).

4. Harbouring of Allied deserters by Italian civilians.

5. Amnesty Article 7. The exemption clause.

6. Appointment of judicial officials.

7. Col. Macaffrey's statement at MC meeting concerning the slackening of administration of justice after restoration.

8. Offences against Allied interests at Taranto (4011/4 Major Franklyn) (Parte lese).

9. Monte Sacchio Prison.

10. Unsuitable or missing magistrates:
Procuratore del Re, Re, Taranto
Di Stefano at Castrovillare
Procuratore Generale Rocco, Potenza
Sostituto Procuratore, Potenza needed
Monsano not arrived

11. Yugoslavs. Should they remain in Italian army?

12. Ministry of War. Increase of personnel for military tribunals.

13. Red Cross parcel thefts. What happened to Capt. Vozza?

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Re Sardinian Beers Lack of the product
for Personnel for Bars in Egypt

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PRESENTI: per il Ministero di Grazia e Giustizia:
Comm.ZEULI, Comm.SPINELLI, Comm.VITA, Ten.CIULLI (interprete)
per la Commissione Alleata di Controllo:
Col.UPJOHN, Ten.Col.WILDER, Magg.MANNSFORD, Magg.THACKRAH,
Magg.FRANKEN, Serg.STOLL.

Scioglimento Organizzazioni Fasciste.

Riferendosi a quanto scritto in merito al Ministero, la Sottocommissione Legale conferma il desiderio che da parte delle autorità italiane sia portata l'attenzione sullo scioglimento delle organizzazioni fasciste di cui alle segnalazioni inviate.

Si dà al riguardo assicurazione che l'argomento è stato sottoposto al Capo del Governo, essendo di carattere generale.

Legge sui matrimoni in Italia di appartenenti alle Forze Armate Alleate.

I membri della Sottocommissione Alleata chiedono se si sia in grado di comunicare l'esito delle indagini sulla possibilità di aderire ai desiderata espressi nel precedente incontro circa la concessione a tutti i cappellani delle Forze Armate Alleate, di qualsiasi credo, della facoltà di celebrare i matrimoni in cui siano attori membri delle Forze Alleate. Si fa presente che la cosa è allo studio dell'Ufficio Legislativo, e che comunque si attendeva da parte della Sottocommissione il questionario in proposito richiesto da S.E. Casati. Si resta d'intesa che, presi più precisi accordi con il Magg.Thackrah, che tratta la cosa, si esaminerà la faccenda con ogni possibile premura.

Sezione di Corte d'Appello di Reggio Calabria.

In relazione alle precedenti intese in merito alla nota vertenza insorta tra Reggio e Messina circa la Sezione di Corte d'Appello, il Col.Upjohn chiede quando potrà aver luogo la concordata ispezione in loco da parte del Comm.Spinelli e del Magg.Thackrah. Si fa presente che al momento necessario sottoporre tutto il caso al nuovo Ministro per le decisioni che egli intenderà adottare. Il Col.Upjohn si rende conto di ciò, ma sottolinea la ne

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necessità di prendere con urgenza le dovute decisioni per sistemare una vicenda che si trascina da tempo ed oltre che inasprirsi sempre più è di ostacolo al funzionamento di quella Sezione di Corte d'Appello,che ha praticamente sospeso ogni sua attività. Si danno assicurazioni che la cosa sarà d'urgenza sottoposta a S.E.Aranegio-Ruiz e che le decisioni saranno altrettanto pronte.

Disertore inglese allogiato da una famiglia italiana.

La Sottocommissione,esposto il caso di un disertore inglese ospitato da una famiglia italiana,chiede il parere del Ministero per accertare quale sia l'imputazione che,secondo la legislazione italiana,deve essere mossa alla famiglia italiana predetta.Al riguardo si esprime da parte del Ministero l'opinione che,costituendo il reato di diserzione un reato permanente,la famiglia italiana che ha ospitato il disertore deve essere imputata di correità nel reato stesso.Viene chiesto a proposito l'invio di un promemoria in merito.

Refurtive alleate.

Vien fatto presente che è già praticamente e generalmente seguito l'uso che allorchè la polizia alleata recupera della refurtiva di proprietà alleata,non la trasmette alla Procura del Re ma la trattiene per la restituzione al reparto alleato od al membro alleato cui appartiene.Poichè tale procedura si dimostra molto opportuna,si richiede che il Ministero regolarizzi formalmente tale pratica inviando ai Procuratori del Re una circolare con la quale si avverta che la pratica stessa viene autorizzata e si precisi tuttavia che allorchè,in ogni momento dell'istruttoria,sia necessario esaminare tutta o parte della refurtiva,il Procuratore del Re ne può richiedere l'esibizione rivolgendosi all'Ufficiale Legale Alleato di collegamento,il quale si interesserà del necessario presso la polizia alleata od il reparto.

Il Ministero si dichiara d'accordo e si stabilisce che,prima di inoltrarla,la circolare sarà rimessa in visione alla Sottocommissione legale affinchè questa possa conformemente istruire i suoi dipendenti interessati.

Costituzione del Governo Militare Alleato,delle Forze Armate Alleate o dei suoi membri come parte civile con assunzione della difesa da parte dell'Avvocatura dello Stato.

Chiarito che la costituzione di parte civile non è essenziale,a meno che non si tratti di offese personali,la Sottocommissione chiede che si adottino i necessari provvedimenti legislativi perchè allorquando le Autorità Alleate

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intendono costituirsi parte civile,la difesa si assunta dall'Avvocatura dello Stato.Il ministero fa presente di dover sottolineare con compiacimento la stretta collaborazione che sussiste tra la Presidenza del Consiglio,ma che comunque non ritiene vi saranno difficoltà all'accoglimento della richieste.

Citazione della parte lesa.

Gli alleati fanno presente gli inconvenienti che derivano dalla necessità di citazione della parte lesa quando questa è costituita da unità o membri delle Forze Armate alleate,in ordinario servizio e pertanto non sempre reperibili.

Escludono che si citi nominativamente a un membro di tali forze,ma desiderano che venga citata dal comandante unità anche quale rappresentante per soli mente la parte lesa.

Si è il caso di stabilire di sostituire la citazione di una determinata autorità alleata,quale il Commissario Provinciale o l'Ufficiale Legale Locale, in quanto non si può prescindere da in tempo tali autorità permarranno a Velletri.Pertanto è necessario evitare di incorrere nel pericolo della nullità del processo per la mancanza delle formalità della citazione e si concorda di comunicare che il Ministero disporrà l'esonerazione di un provvedimento che stabilisca non essere causa di nullità la mancata citazione della parte lesa,allorchè si tratta delle forze armate alleate e dei suoi membri.

Nel tempo stesso si ravvisa la necessità,anche per consentire che l'autorità alleata decida se costituirsi o meno parte civile e richiedere la citazione da parte dell'avvocatura dello stato,di instaurare con gli uffici giudiziari interessati uno scambio di chiarimento sul modo di comportarsi per la citazione quale parte lesa delle forze alleate o membri di esse,e di istruzioni nel senso che quando la parte lesa è un singolo membro delle Forze Alleate,o,se trattasi di una unità alleata,sia impiegato un valore superiore ad una cifra che sarà concordata con la sottocommissione legale,il Procuratore del re deve scrivere all'ufficio legale alleato più di commissario Provinciale,per sentire se l'autorità alleata desidera o meno la citazione,che deve essere impersonalmente indirizzata all'ufficio del Commissario Provinciale.

Funzionamento della magistratura nella Regione II.-

Il Col.Upjohn,che ha fatto di recente un giro d'ispezione nella Regione II, tiene ad esprimere formalmente il suo compiacimento per lo stato di efficienza rilevato in generale in tutti gli uffici giudiziari visitati,anche se in taluni le deficienze di personale creano delle difficoltà che non dubita il Ministero cercherà,con ogni mezzo a sua disposizione,di ovviare.Al riguardo il

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Col.Upjohn chiede quali sono i passi che il Ministero sta compiendo per colmare le vacanze.

Il Rappresentante che sono in corso i provvedimenti per l'attribuzione delle funzioni di giudice ad un certo numero di uditori.In merito a tale argomento il Magg.Franklyn si mostra meravigliato della lentezza con la quale si provvede a tali attribuzioni,mentre egli a suo tempo sarebbe nel giro di pochi giorni gli stessi provvedimenti nella Regione.Quando vi sopraintendeva all'amministrazione giudiziaria.Si oppone che il Ministero deve adottare tali provvedimenti con la dovuta oculatezza e prudenza per non pregiudicare interessi altrui essendo i provvedimenti stessi definitivi e non temporanei cosa per le attribuzioni effettuate dall'A.M.G.Si attendono dalle periferie la notizie e, le informazioni ed i giudizi necessari sui singoli nominativi presi in esame;per buona parte sono arrivati;per gli altri si attendono di giorno in giorno.

Continuando nella elencazione dei provvedimenti che si intendono adottare per coprire le deficienze di personale si accenna alle promozioni di giudici a consiglieri in tutti i casi possibili,nonchè allo studio in corso per immettere nuovi elementi in carriera con concorsi che tengano conto della situazione particolare e non leda no gli interessi di coloro che sono nell'Italia occupata dal nemico.Tale argomento è stato già oggetto di una precedente trattazione,ed il Ministero sta portando ad esso tutta la migliore attenzione.

La Sottocommissione sottolinea quindi la necessità che sia prontamente e largamente utilizzata quella massa di benevola costituita dai magistrati sbandati. Il Ministero al riguardo fa presente che mentre già si sta utilizzando al massimo questi elementi,è necessario anche tener conto delle particolari loro condizioni economiche,della difficoltà dei trasporti che talvolta impedisce materialmente di raggiungere la nuova residenza.

Il Col.Upjohn al riguardo replica che è assolutamente necessario ottenere dai magistrati l'esecuzione degli ordini di trasferimento che vengono impartiti dal Ministero,il quale se necessario deve preoccuparsi di facilitare loro tali spostamenti con speciali indennità di trasferimento e con accordi con le autorità addette ai trasporti,dato che l'Amministrazione italiana dispone di treni e di altri mezzi di comunicazione.

Altra fonte da cui si cerca di attingere personale è quella dei congedamenti di magistrati attualmente in servizio militare.Tale pratica non viene approvata dal Magg.Franklyn il quale teme che ciò possa depauperare gli organici della Giustizia militare,ma viene chiarito che ciò non ha luogo in quanto vengono con-

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gedati solo coloro [illegible] indispensabili.

La Sottocommissione si rende in definitiva conto degli sforzi e dell'interessamento del Ministero per superare le difficoltà dipendenti dal personale e ripete il suo desiderio di massima collaborazione, anche, quando possibile, per venire incontro a casi concreti di difficoltà di trasporti [illegible] trasferimenti.

Viene segnalata dagli alleati la necessità di provvedere ad inviare a Cantanzaro almeno 4 consiglieri per coprire le 12 vacanze esistentevi; così pure viene accennato al bisogno straordinario in cui si trova la Corte di Bari che, sebbene organicamente al completo, necessiterebbe, per il gran lavoro cui è al momento sottoposta, dell'applicazione temporanea di qualche elemento di rinforzo.

La Sottocommissione fa quindi presente che ritiene si debba sostituire il giudice istruttore di Castrovillari, dal quale si ha motivo di non essere soddisfatti. Il Ministero prende nota del desiderio, ed anticipa che detto magistrato potrebbe essere trasferito in settembre a Brindisi, di dove si manderebbe a Castrovillari un elemento idoneo a sostituirlo.

Così pure viene riferito dal Col. Upjohn la cattiva impressione riportata sulla diligenza del Presidente sacco il quale non si è ancora trasferito a Potenza e dall'8 marzo ha tenuto solamente 3 sedute. Il Colonnello prega di ritenere conseguentemente detto magistrato ad una più scrupolosa osservanza dei suoi doveri di ufficio.

Rapporti degli Ospedali agli Uffici giudiziari nei casi di ricoveri ai quali la Giustizia è interessata.

Il Comm. Vita accenna agli accordi presi in proposito col Magg. Franklyn per la Regione. Il perchè gli ospedali forniscano tempestivamente agli uffici giudiziari le notizie sui ricoverati che interessano la giustizia.

Sovrapopolazione carceraria.

Analogamente il Comm. Vita accenna alla preoccupante situazione circa la sovrapopolazione carceraria. L'argomento non viene sviluppato in quanto è già oggetto di preoccupazione e di studio sia da parte del Ministero che da parte delle Autorità Alleate interessate. E' in preparazione una larga conferenza al riguardo con la partecipazione di tutte le autorità alleate ed italiane interessate al problema.

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Resti annonari.

Il Comm. Vita chiede se le autorità alleate annettono importanza alla perse

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cuzione dei reati [illegible]nori. La risposta è pienamente affermativa,sebbenzi si aggiunge che anche i piccoli reati devono essere perseguiti con rigore e celerità in quanto è assolutamente necessario stroncare l'attività del mercato nero che si alimenta in gran parte appunto con casi di apparente poca importanza,ma nell'insieme di rilevante effetto.

Giudizio per direttissima.

Il Comm.Vito accenna alla necessità di prolungare i termini dei giudizi per direttissima,dati i ritardi e le difficoltà nelle comunicazioni.Lo argomento è già allo studio da parte del Ministero e su di esso pertanto si sorvola.

Prostituzione.

Anche questo argomento,sollevato dal Comm.Vito,forma già oggetto di esame sia da parte del Ministero che della Sottocommissione e non si insiste oltre su di esso.

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1. Date of transaction of [illegible] regarding the transfer of a [illegible] involved, under it also appears [illegible] views to securing [illegible] of [illegible] of [illegible] to be withheld. [illegible] the [illegible] the [illegible] to be taken, the allied [illegible] [illegible] the [illegible] of documents to the [illegible] del Re.

2. Position of Italy's responsible. [illegible] to the title of colony [illegible] and the latter's [illegible] to the withholding of [illegible] Italian Government [illegible] of [illegible] regards [illegible] the [illegible].

3. Privileges of members of [illegible] Forces on [illegible] territory. [illegible] Italian Courts [illegible] fied with the object of [illegible] possible was discussed in relation to [illegible] Forces to effect [illegible] procedure under [illegible]. The Minister undertook to personally study [illegible] question with the object of [illegible] be possible to adopt procedure [illegible] to him and in view.

4. Registration of parties in Sardinia. [illegible] was made to the Italian Ministry's progress in the [illegible] of [illegible] for taking over the major portion of certain cases in this area. The [illegible] mentioned last time. Vitelli had undertook to classify the various [illegible] of cases to be judged by Italian Courts having sole [illegible]. The [illegible] would [illegible] an order to implement this system when ready.

5. 'Gazzetta Ufficiale'. The [illegible] called for the publication of a special number to contain a reprint of all those decrees which called for immediate publication to date. This step was necessary owing to the Italian Authorities having dispersed the collection of Gazettes held in reserve for overprinting.

6. Address at Campobasso. The Minister, who had read Resident's report, pointed out that no such emotion was necessary and that the Court of Appeal of Naples could easily set up a session of sessions in Campobasso by administrative instructions. He gave the name of a judge who could act as President in lieu of Ponce who was [illegible]. It was agreed that a letter would be written by the Minister to the President of Naples giving the instructions to that effect. Major Hammford promised to inform Col. Rehrens and Major Holt.

7. Jurisdiction of Allied Courts in Occupied Territory. The C.L.O drew attention to the wording of the modifying decree as drawn by the Ministry, suggesting that another and better solution might be found to make clear the existence of the facultative jurisdiction of the Allied Courts as originally intended under article 3 of the PBL of 11 Feb. 44.

The Minister remarked that it was not a question of "competence but of "jurisdiction". The original and modified texts were inter-related, one depending upon the other. He thought that the Supreme Court might interpret it thus although agreed that the formula was not happy. Finally, the Minister suggested changing the wording of the new text to the effect that the amendment is incorporated in the text of Art. 3 of the previous decree.

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3. Defascistization of Italian Judicial officials. The Minister requested particulars of officials in Regions who had been indicted as coming within the scope of the defascistization decree. The CLO informed the Minister that a bi conference was about to take place on this matter and he would be advised of results in due course.

The CLO enquired if there was any news of the "Zaniboni" decree on "national purgation" and was informed that the Minister was on the point of attending a conference on this subject.

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ACC/013.27/07. C O N F I D E N T I A L

AIDE MEMOIRE

At a meeting held between the Minister of Finance, His Excellency Col. Jung, Lt.Col.C.H.Ellerwin, CCC, and Lt.Comdr.J.Lander (Finance) on 3 April 1944, the following points were discussed:

Legislation re-requisitioning of Allied Nations property.

Col.Jung stated that as it was notwithstanding the practice was that formally in a state of war with the United Nations, legislation would be necessary to cancel terms suspending the provisions of the Legge di Guerra with regard to Allied and Friendly property.

Legislation re-requisitioning re-evacuation, etc.

As regards procedure of re-requisitioning, OCC or his representative to be considered as local representative of the owner for the purposes of formalities required by Italian, Civil Code. OCC to furnish his representative with suitable authority required by Italian civil procedure on accepting re-requisitioned property, copies of which are to be drawn up by Ministry of Finance. Procedure where property has already been taken by AMG/ACC, the prefectoral decree will have effect from date of its by which custody was taken.

It was suggested that Allied Navy representatives with Minister of Finance in order to ensure proper co-ordination of procedure, and to furnish Minister of Finance with list of Allied Warships requisitioned previously taken into custody.

Disposal of Axis properties.

It was agreed:

(i) that the existing system contained in the convention between ACMI and Bank should be maintained wherever applicable.

(ii) [illegible] the scale of rent to be arranged between Ministry of Finance, OCC and Agent Banks, and embodied in a convention.

(iii) that in cases where the income from properties was insufficient to meet current expenditure on maintenance (including taxes), the following procedure would be observed:

(iv) Maintenance expenditure. Agent banks will advance the funds required on behalf of the Minister of Finance at 1% above Bank of Italy discount rate. Banks will submit accounts of outstanding advances against each property twice yearly to OCC, who will certify same to Ministry of Finance. The Ministry of Finance will thereupon repay advances to the banks and debit each property maintenance account, bearing above mentioned rate of interest. Ministry of Finance will advise OCC of the amounts so repaid and dates of repayment. Surplus incomes from properties during successive six-monthly periods will be applied to reducing advances.

(v) Management fees of Agent Banks. Bank to submit at each year end a list of fees and in respect of each property for approval to OCC, who will certify and pass to Ministry of Finance. Ministry of Finance will pay banks and debit property fee account. Surplus incomes from properties will not be devoted to reducing this debit, in the condition of ultimate repayment will have to be settled in the peace treaty.

P.T.O.

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(71) Sub-leased properties. In the case of expenditure on emergency measures necessary to prevent further deterioration, estimates endorsed by the Senior Civil Affairs Officer will be submitted to HQ, who will certify and pass to Ministry of Finance. When payments to contractors, etc. fall due, HQ will request Ministry of Finance to open a (blocked) account in favour of his local representative (SPCO), and make payments, excepts to be drawn out in triplicate, one copy being forwarded to HQ, one to SPC, and one forwarded to Ministry of Finance, who will audit special war damage accounts for each property. Details of this check to be determined by the Treaty.

Sub-leased properties.

HQ recommend the importance of taking measures to safeguard German property, and support the amendments of a resolution. The Ministry of Finance explained that they were greatly alarmed at the prospect of reprisals, and therefore were concerned to pass legislation which could not be kept secret. HQ pointed out the danger of reprisals being made only with, by being held up on the grounds that the collection of rents, taxes, etc. Ministry of Finance thought an agreement with the commander of the Legion of Honour and the Legion of Honour Commander would be a sufficient deterrent against any attempt to buy at a knock down price, as buyers would be aware that the transaction could be subsequently invalidated by the Italian government, but he could take steps to register a caveat against the title deeds which would satisfy both sides, and that control of the sub-letting of such properties. He was moreover endeavouring to ensure that as much as possible of all information covering German property in Italy be secret.

Recovery of properties of nations at war with United Nations and non-Axis Powers.

Agreed, that in view of the very small amount of such property, it was, on balance, undesirable, that the question should be left over for the Treaty.

1 April 1946.

C. H. C. Hollis,
Lieut-Colonel,
Director of Property Control.

Copies to:
[illegible] Colonel, Administrative Section.
[illegible] Military Attache, Ministry of Finance.
Chief Legal Officer.
Lt.Comdr. J. Lawton.

RELAZIONE INCONTRO DEL 2 APRILE 194[illegible].

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Presenti: per il Ministero di Grazia e Giustizia:
Comm.SPINELLI - Ten.CIULLI (interprete)
per la Comm. Alleata di Controllo:
Magg. HANNAFORD.

Modifica art.3 R.D.L. 11-2-1944, n.31.

Il Magg.HANNAFORD sollecita la pubblicazione sulla Gazzetta Ufficiale del decreto modificante l'art.3 del R.D.L. 11-2-1944, n.31, in quanto il Ten.Col.Conzis della Regione II ha riferito di aver incontrato difficoltà presso Tribunali Italiani al passaggio ad essi di proce si che in relazione alla detta modifica rientrerebbero nella loro competenza.

Il Comm.SPINELLI assicura il suo interessamento per far si che il provvedimento sia formalmente promulgato con la maggiore speditezza possibile, ma aggiunge che nel frattempo deve essere pervenuto a tutti i Procuratori Generali della Sicilia, per cui le difficoltà incontrate dal Ten.Col.Conzis non dovrebbero piu sussistere.

Ordinanze alleata per la proroga dei R.D. 24-7-1936 e 16-6-1938 Provvedimenti relativi alla disciplina delle locazioni degli alberghi

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Il Magg.HANNAFORD comunica che la Regione III, alla quale era stato reso noto il provvedimento che il Ministero si prepara ad emanare con l'art.10 della legge sulle locazioni, ha fatto presente che tale provvedimento non ha nessuna relazione con la richiesta di poter prorogare con bando alleato alla fine della Guerra le norme di cui ai R.D. 24-7-1936, n.1692, 16-6-1938, n.1280, che disciplinano la vendita e la locazione degli immobili adibiti ad uso alberghiero, con scadenza 31 dicembre 1943.

Il Comm.SPINELLI, avute in tal modo l'esatta precisazione della richiesta pervenuta dalla Regione III, fa presente che, pur non sussistendo al momento le finalità essenzialmente di carattere turistico che mossero le disposizioni in parola, potrebbe, se il Governo lo riterrà, non essere inopportuna la proroga della disciplina contemplata in dette leggi sia per far si che siano maggiormente turbati nelle circostanze attuali importanti interessi degli albergatori, sia anche allo scopo di non creare eventuali difficoltà all'attrezzatura alberghiera utilizzata in larga misura, mediante requisizione, dalle autorità Alleate, specie nei maggiori centri, per alloggio, mense ed uffici della Forza Alleata.

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Modifica art.3 R.D.L. 11-2-1944, n.31.

Il Magg.HANNAFORD sollecita la pubblicazione sulla Gazzetta Ufficiale del decreto modificante l'art.3 del R.D.L. 11-2-1944, n.31, in quanto il Ten.Col.Comzis della Regione II ha riferito di aver incontrato difficoltà presso Tribunali Italiani al passaggio ad essi di proce si che in relazione alla detta modifica rientrerebbero nella loro competenza.

Il Comm.SPINELLI assicura il suo interessamento per far si che il provvedimento sia formalmente promulgato con la maggiore speditezza possibile, ma aggiunge che nel frattempo deve essere pervenuto a tutti i Procurati Generali della Sicilia, per cui le difficoltà incontrate dal Ten.Col.Comzis non dovrebbero più sussistere.

Ordinanza alleata per la proroga del R.D. 24-7-1936 e 16-6-1938 Provvedimenti relativi alla disciplina della locazioni degli alberghi

Il Magg.HANNAFORD comunica che la Regione III, alla quale era stato reso noto il provvedimento che il Ministero si prepara ad emanare con l'art.10 della legge sulle locazioni, ha fatto presente che tale provvedimento non ha nessuna relazione con la richiesta di poter prorogare con bando alleato alla fine della Guerra le norme di cui al R.D. 24-7-1936, n.1692, 16-6-1938, n.1250, che disciplinano la vendita e la locazione degli immobili adibiti ad uso alberghiero, con scadenza 31 dicembre 1943.

Il Comm.SPINELLI, avute in tal modo l'esatta precisazione della richiesta pervenuta dalla Regione III, fa presente che, pur non sussistendo al momento le finalità essenzialmente di carattere turistico che mossero le disposizioni in parola, potrebbe, se il Governo lo riterrà, non essere inopportuna la proroga della disciplina contemplata in dette leggi sia per far si che siano maggiormente turbati nelle circostanze attuali importanti interessi degli albergatori, sia anche allo scopo di non creare eventuali difficoltà all'attrezzatura alberghiera utilizzata in larga misura, mediante requisizione, dalle autorità Alleate, specie nei maggiori centri, per alloggio, mense ed uffici delle Forze Alleate.

Sulla richiesta della suddetta proroga, pertanto, si impegna di attrarre immediatamente l'attenzione di S.E. il Ministro, in quanto come già espresso dallo stesso Magg.HANNAFORD, il provvedimento riveste un carattere d'interesse generale. E' necessario tuttavia risolvere prima il problema del blocco delle locazioni, tutt'ora in atto sia per quanto riguarda gli Alberghi che, in linea generale, nei confronti di tutti i proprietari di stabili a carico dei quali permangono le conseguenze di una ingiustizia fascista perpetratasi nel 1934 ed i cui effe

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fetti sono divenuti sempre più gravosi fino ad arrivare a costituire un assurdo economico:
Gli affitti sono quelli stessi, ridotti nella misura del 12/15% con il disposto del R.D.L. 14 Aprile 1934, mentre è ben noto il livello attuale dei prezzi e della stessa tassazione che grava sul reddito degli immobili.

La legge del 1934 fu giustificata dal provvedimento di allineamento, di cui non si vuol discutere, ma che comunque al momento è stato di gran lunga superato.

Le proroghe successive del blocco delle pigioni rispondevano a moventi demagogici e del tutto anteconomici, in armonia a tutta la legislazione fascista per il blocco dei prezzi che è risultata un evidente fallimento in quanto, preoccupandosi solo di imporre esteriormente prezzi e salari d'imperio, chiudeva gli occhi alla evoluzione ognora più grave della situazione effettiva che incideva sempre con maggiore espressa sulla possibilità di vita delle categorie sociali che vivono di reddito fisso. Tra queste categorie bisogna comprendere anche il proprietario di casa, il proprietario di modesta fortuna immobiliare, urbana, in numero molto elevato specie nell'Italia meridionale ove le grandi società immobiliari sono poco comuni, il quale ha visto il suo reddito ridursi proporzionalmente fino ad oltre il 96%.

Se con i recenti provvedimenti si è ritenuto necessario l'aumento degli stipendi, diventa ancora più evidente l'ingiustizia nei confronti di coloro che godono i proventi di locazioni immobiliari.

Il progetto di legge in preparazione, tiene pienamente conto della inopportunità di inasprire le condizioni di vita del popolo dei lavoratori intellettuali e manuali con l'aumento delle pigioni, ma al riguardo bisogna aver presente che la parte che è costituita dai commercianti ed operai è quella che può affermarsi benefici dell'attuale congiuntura, mentre quella costituita dagli impiegati ha avuto un aumento di retribuzioni che se anche inadeguato, può sopportare senza grave danno una maggiorazione nel costo della locazione, che incide di fatto solo nella misura media del 5% sull'aumento di stipendio.

Infatti il progetto di legge di cui trattasi, nell'intendo di alleviare l'ingiustizia in atto nei confronti dei proprietari di stabili, prevede semplicemente, per l'anno in corso, l'abolizione delle riduzioni per le locazioni per le quali non è possibile riferirsi a tale data, e lievi aumenti per i successivi anni locatizi.

Il Magg.HANNAFORD prende nota di quanto esposto e si riserva di prendere contatto in proposito anche con la Sottocommissione economica.

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[illegible] giustificato dal provvedimento di affinamento, di cui non si vuol discutere, ma che comunque al momento è stato di gran lunga superato.

Le proroghe successive del blocco delle pigioni rispondevano a moventi demagogici e del tutto anteconomici, in armonia a tutta la legislazione fascista per il blocco dei prezzi che è risultata un evidente fallimento in quanto, preoccupandosi solo di imporre esteriormente prezzi e salari d'imperio, chiudeva gli occhi alla evoluzione ognora più grave della situazione effettiva che incideva sempre con maggiore asprezza sulle possibilità di vita delle categorie sociali che vivono di reddito fisso. Tra queste categorie bisogna comprendere anche il proprietario di casa, il proprietario di modesta fortuna immobiliare, urbana, in numero molto elevato specie nell'Italia meridionale ove le grandi società immobiliari sono poco comuni, il quale ha visto il suo reddito ridursi proporzionalmente fino ad oltre il 95%.

Se con i recenti provvedimenti si è ritenuto necessario l'aumento degli stipendi, diventa ancora più evidente l'ingiustizia nei confronti di coloro che godono i proventi di locazioni immobiliari.

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Il Magg.HANNAFORD prende nota di quanto esposto e si riserva di prendere contatto in proposito anche con la Sottocommissione economica.

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PRESENTI: per il Ministero di Grazia e Giustizia:
S.E.CASATI, Cons.Colucci, Ten.Cialli (interprete)
per l'Alto Comando alleato per l'Amministrazione fascista:
...Taliani, Avv.neto
per la Commissione alleata di Controllo:
Air Commodore, The Rt Hon. The Viscount Stansgate,
Col. Robin, Mr.H.Crockett, Mr.Bamford
Comm.Hackrah, Mr.F.White

La riunione è dedicata alla discussione del progetto di legge per l'epurazione fascista.

L'obbligazione che per prima viene posta dagli Alleati riguarda la citazione nell'art.1° del detto decreto dell'art.289 e seguenti del cap.II titolo I del libro secondo del codice penale, si trova strano e politicamente inopportuno -specie per quanto si riferisce alla pubblica opinione del paese anglo-sassoni- la necessità di dover richiamare in un tal decreto degli articoli del codice penale fascista del 1931 che tutelano, fra gli altri, istituzioni pretteramente fasciste quali il Gran Consiglio, e si chiede per quale motivo non si siano espresse nel decreto stesso le norme penali invece che riferirsi al codice fascista.

Il proposito viene ampiamente e differentemente chiarito giustificando: la menzione del Gran Consiglio fra gli istituti che l'art. 289 tutela non ha più valore alcuno in quanto con lo scioglimento di tale organo è venuto a mancare l'oggetto della tutela e quindi l'eventuale delitto a suo danno. D'altro canto non si è ritenuto inserire nel decreto stesso le pene da applicare ai reati contemplati nel detto articolo in quanto si è voluto di proposito evitare un sistema non ortodosso in diritto e tanto vituperato ai metodi nazi-fascisti di creare una legislazione con effetto retroattivo a protezione di determinati interessi contingenti. E' stato precipuo pensiero del legislatore nel redigere il progetto in esame di conservare nella più stretta legalità l'azione di punizione di coloro che colpevoli dei reati chiaramente contemplati dalla legislazione in atto, fanno vano la pena per le circostanze del momento. Inoltre gli articoli del codice penale invocati, esistevano sostanzialmente anche nel vecchio codice penale ed erano soltanto stati ampliati dal fascismo nel nuovo codice con l'aggiunta della tutela di nuovi enti fascisti. E' stato ritenuto far riferimento al vecchio codice- come gli Alleati medesimi richiesto- in modo per salvaguardare il principio giuridico che un reato deve essere giudicato secondo la legge vigente al tempo della sua consumazione

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per l'atto di nomina quale difensore di fiducia per l'imputato sopra indicato per l'udienza fissata:

[illegible] PANIGONI, Avv. [illegible]

per la Commissione Alleata di Controllo:

[illegible] Spooner, Col. [illegible] Ass. Dir. [illegible]

Col. [illegible], Ass. Dir. [illegible]

[illegible] Sanderson, Ass. [illegible]

[illegible] Sanderson, Segretario

La riunione è dedicata alla discussione del progetto di legge per l'epurazione fascista.

L'obbligazione che a questo viene con [illegible] dagli alleati riguarda la abrogazione dell'art.17 del decreto dell'ex.Duce e ripristino del cap.II titolo I del libro secondo del codice penale. E' brevemente politicamente inopportuno -specie per quanto si riferisce alla abolizione del pseudo reato-concetto- la necessità di dover ricostituire in un tal decreto degli articoli del codice penale mentre dal 1931 che fu emanato, fra gli altri, i titoli e i capi fascisti quali il suo scioglimento, e di cui non per quale motivo non si viene espresso nel decreto stesso le sanzioni penali previste dai ricostituendi al codice fascista.

In proposito viene anche ricordato e direttamente collegato il caso Donati: la mancata [illegible] del gran Consiglio fra gli istituti che l'art. 289 tutela non ha più valore giuridico in quanto con lo scioglimento di tale organo è venuto a cessare l'oggetto della tutela e quindi l'elemento delittuoso a suo danno. Altro punto non si è ritenuto coprire nel decreto stesso le pene da applicare ai reati contemplati nel detto articolo in quanto è valuto di proposito evitare la diretta ripristino ortodosso in diritto e tanto più riprovevole di metodi mentalità di creare una legislazione con effetto retroattivo a protezione di determinati interessi contingenti. E' stato predipuo pensiero del legislatore nel redigere il progetto in esame di conservare nella sua stretta legalità l'azione di epurazione di coloro che colpevoli dei reati chiaramente contemplati dalla legislazione in atto, hanno avuto la pena per le circostanze del momento. Inoltre gli articoli del codice penale invocati, essi tevano contemplavano anche nel vecchio codice penale ed erano soltanto stati ampliati dal fascismo nel nuovo codice con l'aggiunta delle tutele ai nuovi enti fascisti. E' stato ritenuto [illegible] riferimento al vecchio codice come gli alleati non richiedono la per salvaguardare il principio giuridico che un reato deve essere colpito dalla legge in vigore all'atto della sua commissione ("preparare, attuare e mantenere gli effetti consistenti nella soppressione delle libere istituzioni democratiche") sia pur perchè le sanzioni previste dal nuovo codice, che giungono fino all'ergastolo ed alla pena di morte, sono molto più gravi di quelle adottate dal codice penale del 1889.

[illegible]

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All'obiezione degli Alleati nel senso che il richiamo al vecchio codice è stato implicitamente fatto nel successivo art.4 si precisa ancora che ciò è dovuto proprio in rispetto al più accennato motivo per il quale si è voluta seguire una linea strettamente legale applicando ai reati la legislazione in atto al momento nel quale i reati si sono verificati;pertanto trattandosi di quanto contemplato nello art.1 -reati continuati che si sono protratti lungo il periodo di dominazione fascista- la legislazione da applicare non poteva essere che quella del codice penale in vigore allorchè i reati stessi si sono conclusi o è cessata la loro permanenza.

Gli alleati, pur rendendosi pienamente conto di quanto precisato ed apprezzando il valore delle spiegazioni offerte, considerano così importanti gli effetti che potrebbe avere sulla pubblica opinione anglo-sassone la cessazione del richiamo, in un decreto quale quello in discorso, di articoli del "codice fascista" ove si larga la tutela ad organi quale il Gran Consiglio,da insistere sulla necessità di un esplicito chiarimento.

Compresi di tanto, da parte italiana si discutono varie soluzioni e si concorda infine, con l'approvazione degli anglo-americani, che -sebbene superfluo-la cosa migliore sarebbe quella di inserire nello stesso art.1, di seguito al richiamo degli art.165 e seguenti, l'esplicita esclusione della tutela contemplata dai detti articoli alle istituzioni prettamente fasciste.

La discussione si porta quindi sull'art.3 che viene opportunamente illustrato anche nelle sue finalità politiche che mirano a spingere nella lotta contro il tedesco i fascisti dell'Italia tuttora occupata i quali avrebbero nei disposti di tale articolo un mezzo di redenzione o quanto meno di attenuazione dalle passate colpe. Tale finalità viene particolarmente apprezzata da Lord Stansgate.

Viene altresì illustrato il motivo che ha determinato il richiamo in detto articolo del codice penale militare di guerra per il quale è possibile prendere in considerazione attenuanti estranee alle circostanze di reato, cosa non possibile per il codice penale ordinario.

Chiarimenti si rendono anche necessari riguardo all'ultimo parcrafo di detto articolo per quanto si riferisce alle "promozioni per merito di guerra" in quanto la traduzione in lingua del testo originale aveva falsato il concetto.

In merito all'art.5 gli Alleati chiedono se sia opportuno limitare al 25 luglio 1943 il corso della prescrizione per i reati perseguiti.

Viene chiarito che il termine appare più che sufficiente in quanto anche i reati di minore entità non si prescrivono che dopo 5 anni per cui un fatto commesso nel 1939, anche se di scarsa quantità, per il detto di punto si prescriverebbe solo fra 2 anni, per non dire dei fatti gravi, che contribuiscono la gran maggioranza e per i quali la prescrizione sarebbe se commesso fra il 28-10-41 e il 25-7-43 in un tempo

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rimazione fascista- la quale situazione da applicare non poteva essere che quella del codice penale in vigore allorché i reati stessi si sono consumati o furono da loro commessi.

Gli alleati, pur ravvedendo pienamente conto di quanto precisato ed apprezzando il valore delle spiegazioni offerte, consideravano nel loro contesto gli effetti che potrebbe avere nella pubblica opinione americana la contestazione del richiamo, in un decreto simile quello in discorso, di articoli del "codice fascista" ove si fosse la tutela ad organi quale il "Tribunale della razza", da tutti ormai ben conosciuti il loro esplicito chiarimento.

Ottenuto di tanto, da parte alleata i rimangono varie soluzioni e si concorda infine, con l'approvazione degli americani, che - ebbene superflua- la cosa fosse quella di inserire nello stesso art.1, di seguito al richiamo degli art. 60 e seguenti, l'esplicita esclusione della tutela accordata dai detti articoli alle istituzioni prettamente fasciste.

La discussione si porta quindi sull'art.3 che viene opportunamente illustrato anche nelle sue finalità politiche che mirano a vincere nella lotta contro il tedesco i fascisti dell'Italia settentrionale occupata i quali avrebbero nei disposti di tale articolo un mezzo di redenzione o quanto meno di attenuazione delle proprie colpe. Tale finalità viene particolarmente apprezzata da Lord Stansgate.

Viene altresì illustrato il motivo che ha determinato il richiamo in detto articolo del codice penale militare di guerra per il quale è possibile rendere in considerazione attenuanti estranee alle circostanze di reato, cosa non possibile per il codice penale ordinario.

Chiarimenti si rendono anche nece sari riguardo all'ultimo paragrafo di detto articolo per quanto si riferisce alle "promozioni per merito di guerra" in punto la traduzione in lingua del testo originale aveva falsato il concetto.

In merito all'art.5 gli alleati chiedono se sia opportuno limitare al 25 luglio 1943 il corso della prescrizione per i reati perseguiti.

Viene chiarito che il termine appare più che sufficiente in quanto anche i reati di minore entità non si prescrivono che dopo 5 anni per cui un fatto commesso nel 1939, anche se di minore quantità per il detto di pronto si prescriverebbe solo fra 2 anni, per non dire dei fatti gravi, che costituiscono la gran maggioranza e per i quali la prescrizione andrebbe a compiersi fra il 28-10-42 e il 25-7-43 in un tempo posteriore di 20 anni al 25 luglio 1943.

Il chiarimento soddisfa pienamente gli interlocutori alleati.

Vengono chieste quindi precisazioni sul secondo paragrafo dell'art.6 per quanto riguarda il significato dell'espressione "socialmente pericoloso".

Si precisa al riguardo che tale paragrafo è pretteramente consuno

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Declassified E.O. 12356, Section 3.3/NND No. 785046

al paragrafo primo : l'agente degli illeciti di cui al paragrafo primo, allorché costituisce per la sua attività di fascista, per così dire testardo, un centro di polarizzazione di tentativi per la conservazione e la propalazione di idee deleterie e pericolose, deve essere allo tenuto dalla società. La legge di pubblica sicurezza prevede tale possibilità ed il disposto del citato articolo non è che l'applicazione dello stesso principio ai casi che si considera con il provvedimento in esame: la definizione inoltre del socialmente pericoloso è contenuta nell'art.205 Cod.Pen.

Riferendosi al contenuto dell'art.10 gli alleati domandano se l'Alto Commissariato disporrà di una forza di polizia alle sue dirette dipendenze, il che viene confermato, precisando che oltre servirsi della cooperazione dei carabinieri e della pubblica sicurezza, l'Alto Commissariato dovrà necessariamente poter contare su uomini di sua completa fiducia che costituiranno appunto l'aliquota di polizia alle sue dirette dipendenze.

In relazione ai disposti dell'art.11 paragrafi d) ed e) gli anglo-americani chiedono se coloro i quali avessero subito, con esito favorevole, un processo di defascistizzazione possono essere ugualmente assoggettati alle disposizioni del decreto per l'epurazione.

Viene senz'altro risposto affermativamente e si chiariscono le diverse finalità immediate, pur se il movente è identico, perseguite dalla legislazione sulla defascistizzazione-con conseguenze semplicemente amministrative- e dalla legislazione sull'epurazione- con conseguenze penali, che però si riflettono automaticamente sulla posizione amministrativa. Così mentre l'epurato implicitamente ed automaticamente deve considerarsi defascistizzato, l'esito favorevole di un processo di defascistizzazione non esclude per affatto la possibilità di indire un processo in base alle norme sulla epurazione.

Gli alleati si dichiarano con ciò sollevati dalla preoccupazione loro sorta nel senso che nell'articolo in esame vi potessero essere estremi per scappatoie che non avrebbero approvato. Tale affermazione offre lo spunto a S.E.Zaniboni per affermare che non tollererà assolutamente che si tenti in qualsiasi modo di sottrarre all'alto Commissariato la possibilità di esercitare le sue funzioni, nella piena legalità, in maniera che nessuna considerazione estranea alle sue finalità debba impedirlo. L'alto Commissariato deve poter agire nei riguardi di chiunque, senza esclusione di sorta, quando ricorrano gli estremi per l'azione- Chiede a S.E.Casati di confermare il suo accordo in proposito come esponente del Governo, ma al riguardo S.E. il Ministro fa notare che mentre può esprimere il suo personale parere, che concorda perfettamente con quanto espresso da S.E.Zaniboni, non può impegnare il Governo non avendo ricevuto mandato in proposito.

Riportato l'argomento al tema ~~[illegible]~~ gli alleati insistono sulla

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...deve essere allo scopo della società. La legge di pubblica sicurezza prevede tale responsabilità ed il disegno del citato articolo non fa che l'applicazione della stessa ai casi che si verificano con il sopravvenire di eventi che modificano il contenuto della sfera di ordine pubblico e della sicurezza del cittadino e dello Stato, il cui contenuto è contenuto nell'art.209 Cost.Pen.

Riferendosi al contenuto dell'art.10 di cui sopra, l'Alto Commissario dovrà disporre di una forza di polizia alle sue dirette dipendenze, il che viene confermato, precisando che oltre all'Arma dei Carabinieri e alla Guardia di Finanza, l'Alto Commissario dovrà necessariamente poter contare su reparti di una polizia civile che costituiranno quanto l'altro di polizia alle sue dirette dipendenze.

In relazione ai disposti dell'art.11 pare molto dubbio che alcuni emendamenti abbiano a colpire i quali avrebbero dato, con questo articolo, un vincolo di dipendenza non solo ma anche di subordinazione agli organi centrali dello Stato.

Viene sempre altresì ritenuto erroneamente a giudizio di alcuni che la legge abbia finalità immediate, mentre il proposito è identico, permanente dalla formulazione sulla definizione con conseguenze semplicemente amministrative e sulla formulazione sull'espressione con conseguenze penali, che per di riflettono unicamente sulla posizione amministrativa. Così mentre l'arresto immediatamente ed automaticamente deve considerarsi definitivamente, l'atto provvedimento di un processo di definizione non ne lede per niente in modo la possibilità di indire un nuovo processo sulla base delle norme di un'epurazione.

Gli altri si dichiarano con ciò sollevati dalla preoccupazione loro sorta nel senso che nell'articolo in esame vi potessero essere sottesi propositi che non avrebbero approvato. Tale affermazione offre lo spunto a taluni per affermare che non tollereranno assolutamente che si tenti in qualsiasi modo di ostacolare l'alto Commissariato la possibilità di operare le sue funzioni, nella piena località, in maniera che nessuna considerazione estranea alle sue finalità debba impedirlo. L'Alto Commissariato deve poter agire nel rimedi di chiunque, senza esclusione di sorta, quando ricorrano gli estremi per l'azione. Qualche altro Oratore afferma il suo pensiero in proposito come appartenente del Governo, ma al riguardo dell'art.11 nistro fa notare che mentre può comprendere il suo personale parere, che concorda perfettamente con quanto espresso da S.E. Carboni, non può ignorare il Governo non avendo ricevuto mandato in proposito.

Riportato l'argomento al tema originario gli altri intendono sulla opportunità di esplicitamente chiarire al paragrafo e) dell'art.11 che resta fermo la possibilità di sottoporre, allorché ne ricorrano gli estremi, al processo di epurazione coloro che siano stati, con qualsiasi esito, sottoposti ad esame in base alle norme in materia di epurazione delle pubbliche amministrazioni.

Gli altri dichiarano che l'Alto Commissariato adempirà, in considerazione dei motivi di opportunità sui quali hanno insistito gli altri, pur riconoscendo in fondo non strettamente necessaria la precisazione

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richiesta.

Dopo brevi chiarimenti su taluni articoli del codice citati nel decreto stesso (art. 64 del c.p.p., art.291 e 352 c.p.c. art.515 c.p.) gli alleati dichiarano di non aver più obbiezioni da muovere e di essere pienamente d'accordo sullo spirito del provvedimento, una volta completato con le precisazioni concordate durante la riunione.

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7. National Purgation Decree.

Agreed that a meeting will be held next Friday at 1[illegible] to discuss the new draft decree. The Ministry will invite Mr. [illegible]iboni and Onetti.

8. Amnesty decree.

Comm. Spinelli points out that the scope of the amnesty has been narrowed so as to include sentences exceeding 5 years of imprisonment (instead of [illegible] years as previously proposed).

9. Prisoner's labour.

Comm. Spinelli shows to the Subcommission a letter of Col. MacGafrey on the above subject addressed to the Ministry. A copy will be forwarded to the Subcommission.

10. Reggio Section of Court of Appeal.

The Minister reports serious difficulties in connection with this subject. First President of the Court of Appeal of Messina acting in pursuance of an AMG order made arrangements for the files to be sent from the Reggio Section to Messina but the execution of this order was prevented by another order of AMG authorities forbidding the transfer of files.

11. Agreed that after Easter an officer of the Legal Subcommission and an official of the Ministry shall be sent to Reggio to solve the problem. The Minister wishes to know (a) what did the AMG authorities actually order, (b) what is the transport situation between Reggio and Messina.

12. Appointments of Judicial officials in restored territory.

The Minister is willing to comply with the request of the Subcommission that they be consulted before any appointment to certain more important offices be made. He wishes, however, that in case the Subcommission should object to a proposed appointment, they should give the reasons for the objection. Col. Upjohn agrees to that.

Meeting adjourned at 1615.

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Comm. Spinelli shows to the Subcommission a letter of Col. MacCafrey on the above subject addressed to the Ministry. A copy will be forwarded to the Subcommission.

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Meeting adjourned at 1615.

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6. Decree of Italian Government re rationing of electricity.

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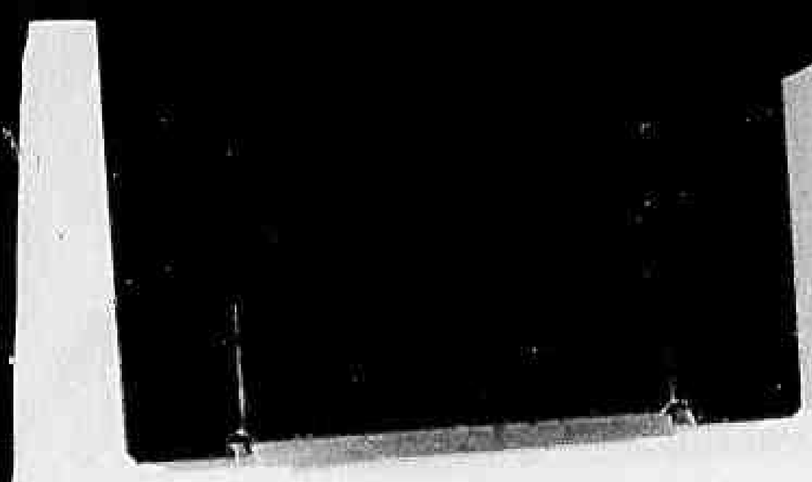

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SECRET

Select Tasking Message for the Chief of Station

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[illegible] MEETING [illegible] MINISTRY OF JUSTICE [illegible] March 24.

Present: Col. [illegible]John — For Legal Subcommission
Lt. Col. [illegible]
Major [illegible]
[illegible] or [illegible]
[illegible]

[illegible] Minister [illegible] — For Ministry of Justice
Comm. [illegible]
Lt. [illegible]

Meeting opened at 15[illegible] hours.

1. Sardinia prisons.
a. The Minister explains that there are [illegible] prisoners [illegible] terms of imprisonment have expired and who can not be [illegible] because of the impossibility to transport them to their homes. The Minister suggests that they be brought to Libya or some other colonies. After some discussion Col. [illegible]John agrees to do his best to obtain transportation means for the prisoners. If transport to Africa is not possible the prisoners shall be brought to Sicily or S. Italy and shall form a labor battalion to work for the Allies.

b. Reference cable of the Regional Commissioner for Sardinia on the Sardinia prisons, Comm. Spinelli assures the Subcommission that he has sent a cable to Sardinia instructing the Procuratori to freely exercise the power of granting provisional liberty. However, there is a danger that this policy shall prejudice effective handling of the new crime wave in Sardinia. Agreed that a Procurators Generale will proceed to Sardinia at once, will contact Gen. [illegible] compile a full report for the Minister and the Subcommission shall provide transportation by air.

2. Amnesty.
After some discussion it is agreed that the amnesty decree will not affect -
(a) any offence committed from the beginning of the occupation in any part of liberated Italy against the Allied Forces whether tried by Italian or Allied Courts;
(b) any offence committed in Sicily within the period from [illegible] July [illegible] to 10 Feb. 1944 and in Calabria, Basilicata and in the Province of [illegible] within the period from 8 Sept. 1943 to 10 Feb. 1944.
In view of the fact that there has been no occupation of Sardinia and the Provinces of Taranto, Bari, Lecce and Brindisi, the decree will exclude from the amnesty only such offences committed in these Provinces which were directed against Allied Forces. A new draft of the amnesty will be forwarded to the Subcommission. The decree is scheduled for signature on Thursday March 24.

3. Reciprocity under Art. 15 Codice Penale Militare di Guerra.
Col. [illegible]John informs the Ministry that Gen. Alexander is studying a project for giving general publicity to all judgments rendered in Allied Courts; in the meantime whenever the Minister desires information on any case [illegible] before any Allied Tribunal and involving an Italian, who damaged Italian military property, he should feel free to contact this subcommission which

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RELAZIONE SULL'INCONTRO DEL 13-3-194

Presenti: Per il Ministero di Grazia e Giustizia:
S.E.Cuomti, Comm.Spinelli, Ten.Cintli (interprete)
per il Ministero dell'Interno:
Dott.Vecchione della Direzione Generale di Sanità Pubblica
per la Commissione Alleata di Controllo:
Ten.Col.Tilmez, Magg.Tmackrah.

La lotta contro le malattie veneree è presente come le Superiori Autorità militari abbiano seguito con preoccupazione la situazione molto grave della diffusione di malattie celtiche fra le truppe,chiedendo ripetuti provvedimenti da parte dell'Autorità Italiana per una azione che valga a limitare nel minimo gli attuali inconvenienti.

Il Dott.Vecchione rende noto che nei giorni scorsi questo problema ha formato oggetto di una riunione indetta alla quale presso il Ministero degli Interni con la partecipazione del Generale Parisman e degli Ispettori Sanitari.In tale riunione dicussa l'argomento si è deciso una intensificazione nella vigilanza delle forme segnalate e nella profilassi con un aumento, nei vari centri, del numero di sorveglianza e dei posti letto che rendano possibile di prolungare a 3 giorni il periodo di osservazione delle forme segnalate.

Riguardo all'azione di pubblica sicurezza connessa a quella di profilassi si è concordato, sempre nella riunione, che l'attuale sistema di rastrellamento che si conclude nell'accompagno nelle carceri centinaia di prostitute, assume e valore, non reca nessun giovamento relativo all'azione profilattica ma anzi ostacola il proseguimento dell'istruzione.

Nella provincia di Napoli si trovano attualmente ancora l'ospedale sanitario, che invece sarebbe indispensabile, altre 600 prostitute controllate dalla P.S.; a Bari ve ne sono 2/300. In tal modo le carceri diventano un ricetto di elementi disordinati, ma nessun giovamento viene da ciò al lato profilattico del problema.

Le squadre mista di polizia italiana ed alleata costituite al riguardo dell'azione, affermano il Dott.Vecchione, hanno dato un buon risultato, come ciò viene confermato dagli ispettori, quando la loro azione di polizia potrà essere affiancata da quella sanitaria con l'estensione della sala di osservazione e l'aumento dei posti letto per la cura anticelitica.

S.E.Cuomti, a questo punto fa notare che, così come è impostato il problema, al Ministero di Grazia e Giustizia non può essere chiamato in causa

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altro che per quanto riguarda l'inserzione a ricevere nelle circolari delle donne nell'ente,cosa sulla quale eventualmente potremmo richiamare l'attenzione del Ministero degli Esteri,verrà presa in opportune disposizioni in merito alla E.S. Ma il ricordo è sufficiente che il Sott.Segretario, nella sua relazione alla precedente conferenza dei capi missione ed alle decisioni in essa prese, attribuì a U. Stanley.

La Sottocommissione precisa che non si chiede l'ammissione di ulteriori.nomi in quanto la maggioranza dei Grandi Quotidiani Alleati è rappresentata in Italia da corrispondenti che godono della massima fiducia e che sono in grado di trasmettere ogni notizia di importanza nel più breve tempo possibile. La Commissione ritiene invece che sia necessario e intensificare la vigilanza per il controllo delle notizie provenienti da fonti non autorizzate, che spesso sono causa di gravi inconvenienti.

Dal canto suo il Ministero di Grazia e Giustizia, per coll/herare in tale azione,aderisce alla richiesta Alleata di inviare una circolare ai Procuratori del Re richiamando la loro attenzione sulla opportunità di intensificare la vigilanza per il rispetto della legislazione in merito, ed informandoli affinchè curino che i processi di competenza non siano trattati a porte aperte.

Viene poi fatto presente che a parere della grande stampa italiana sarebbe opportuno che venisse avviata più speditamente alla sua soluzione definitiva la questione riguardante la concessione di nuove testate.

Le rappresentanze degli Alleati si pregiano infine richiamare l'attenzione del Governo Italiano, a nome del Sott.Segretario [illegible] sulla necessità di intensificare, nel proprio stesso interesse, la vigilanza per impedire la vendita di notizie [illegible] ed a favore di [illegible] e di [illegible] e di [illegible] e

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PROVVEDIMENTO DI AMNISTIA IN PREPARAZIONE

Viene richiesta dalla Rappresentanza se è in grado di rispondere in merito alla domanda formulata dal Governo circa il contenuto e sulla data dell'emanazione dell'amnistia in preparazione ai reati di competenza degli Alleati giudicati dai Tribunali Militari Alleati.

Il Capo Missione risponde che non è così - che tali reati erano compresi nel provvedimento di amnistia in corso.

DISCRIMINAZIONE

A richiesta, gli Alleati precisano di non essere ancora in grado di fornire l'incontro per la preventiva discussione sulla possibilità di uniformare l'azione di discriminazione e la procedura, in modo attenuare le inconvenienti e le ritardo che potrebbero derivare da loro sull'argomento presso le varie autorità interessate al problema.

Il Ministero ne prende atto e con l'occasione chiede, attenendosi rimanere al precedente, se già A. cosa siano interessati ad avere in visione il nuovo testo che assumerà il provvedimento per l'eventuale in tendenza alla ravvisata opportunità di precisare in esso, pur lasciando del tutto inalterato i concetti informatori, i dettagli necessari a meglio determinare i reati che rientrano sotto i vari elementi.

RELAZIONE SULL'INCONTRO DELL'11 MARZO 1944

Presenti: Per il Ministero di Grazia e Giustizia:
Comm.Spinelli e Ten.Ciulli (interprete).

Per la Commissione Alleata di Controllo:
Magg.Hannaford e Magg.Thackrah.

CUSTODE DEI BENI

Viene confermato dai Membri della Sottocommissione che, non appena il custode dei beni avrà completato lo studio dello schema presentato dal Ministero, si provocherà una riunione di tutte le parti interessate per discutere l'argomento.

MAGISTRATO INCARICATO DAL MINISTERO DELL'INDAGINE PRESSO VARI TRIBUNALI SULLO STATO DEI PROCESSI A CARICO DI ARRESTATI DELLA POLIZIA ALLEATA.

Avendo il Ministero designato nella persona del Consigliere VITA il Magistrato di cui in oggetto, al quale, secondo gli accordi intervenuti nella precedente riunione, la Sottocommissione rilascerà le lettere di presentazione per gli Ufficiali Legali Alleati onde facilitarlo nell'inchiesta, la Sottocommissione richiama l'attenzione del Ministero sul fatto che il Comm.VITA fu oggetto a Potenza di indagini di cui a suo tempo ebbero ad occuparsi la Sottocommissione ed il Ministero.

Il Comm.Spinelli, ricordate le conclusioni del tutto favorevoli nelle quali convennero Alleati e Ministero a seguito della predetta indagine, fa presente che il Ministero ha scelto il Cons.VITA in quanto, essendo egli stato nominato Avvocato Generale della Sezione di Corte di Appello di Lecce, avrà sotto la sua giurisdizione Taranto e Brindisi, dove si trovano i Tribunali maggiormente interessati ai processi di che trattasi. Ebbene quindi che sia proprio lui a condurre l'indagine per potersi rendere pienamente conto della situazione e seguirla

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Viene confermato dai Membri della Sottocommissione che, non appena il custode dei beni avrà completato lo studio dello Scheme presentato dal Ministero, si provocherà una riunione di tutte le parti interessate per discutere l'argomento.

MAGISTRATO INVIATO DAL MINISTERO DELL'INDAGINE PRESSO VARI TRIBUNALI SULLO STATO DEI PROCESSI A CARICO DI PERSONALI DELLA POLIZIA SEGRETA.

Avendo il Ministero designato nella persona del Consigliere VITA il Magistrato di cui in oggetto, al quale, secondo gli accordi intervenuti nella precedente riunione, la Sottocommissione rilascerà le lettere di presentazione per gli Ufficiali Legali Alleati onde facilitarlo nell'inchiesta, la Sottocommissione richiama l'attenzione del Ministero sul fatto che il Comm.VITA fu oggetto a Potenza di indagini di cui a suo tempo ebbero ad occuparsi la Sottocommissione ed il Ministero.

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Il Ministero che, come convenne a suo tempo anche la Sottocommissione, non ha ragioni di nutrire dubbi sulla condotta politica del nominativo, crede di potergli con tutta fiducia affidare il compito di che trattasi; solo, per ragioni di opportunità potrà dal suo incarico

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escludersi la se . di Potenza.

Gli Alleati, dopo quanto sopra esposto, non obbiettono ulteriormente sulla scelta della persona e prendono atto della esclusione di Potenza dalle città di cui il Comm.VITA deve occuparsi.

PROVVEDIMENTO DI AMNISTIA IN PREPARAZIONE

Il Comm.Spinelli fa presente come sia in preparazione un provvedimento di amnistia, in relazione al quale il Ministero ritiene, per dovere di cortesia verso gli Alleati, chiedere se desiderano che in detta amnistia siano compresi o meno anche i reati commessi in danno degli Alleati stessi.

I Membri della Sottocommissione precisano che la decisione al riguardo è più che altro di competenza della Sottocommissione Politica, dato il significato che il provvedimento assume. Comunque ritengono opportuno sia precisato nella richiesta scritta che si concerta d'indirizzare alla Sottocommissione Legale perchè questa possa concertarsi nella risposta con quella Politica, che si chiede il gradimento o meno dell'estenzione dell'amnistia non solo ai reati in danno degli Alleati giudicati o in corso di giudizio presso i Tribunali Italiani, ma anche ai reati in danno o non degli Alleati giudicati o in corso di giudizio presso i Tribunali Militari Alleati.

A richiesta, viene chiarito che, logicamente, nell'amnistia non rientreranno i reati ricadenti sotto i disposti dei recenti provvedimenti per l'EPURAZIONE NAZIONALE.

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Minutes of Meeting held on 10 March 1944.

Present: Lt. Col. Wilmer - for the Legal Subcommission
Major Hannaford "
Major Thackrah "
Sgt Stein (Interpreter) "

H.E. Casati - for the Ministry of Justice.
Comm. Spinelli "
Lt. Ciulli "

Place: Palace of Justice, Officex of the Minister.

Meeting opened at 1515.

1. Property Control.

In reference to the last draft decree submitted by the Ministry, Major Hannaford expresses the view that it will serve as a good basis for further discussion with the Director of the P.C. Subcommission and with Col. Jung.

2. Instructions of the Minister to the Procuratori Generali on dealing with offences against Allied interests.

Major Hannaford voices full approval of the instructions and promises to send a copy to all Allied authorities concerned. The Minister intends to send an officiel on a special mission throughout the restored territory to help to alleviate the delays in dealing with such offenses. Major Hannaford agrees to write a letter of recommendation for the officiel which would introduce him to Allied authorities. Comm. Spinelli points out that it is the intention of the Ministry to amend the Code of Penal Procedure by extending the applicability of the special type of summery trials (giudizio direttissimo) so as to cover the anti-Allied offences. On the other hand he points out that the Allied police must inform the Italian authorities of the charges and make available the evidence as soon as the arrest is effected. All delinquents should be arrested at once. Unless all that is done Italian authorities must repeat the entire investigation. It also appears that many people are detained by Italian authorities on Allied orders for a considerable length of time without any charges being brought against them (130 of such detainees are held at Bari).

3. Appointments of Officials. List of appointments at Chietti.

List of the AMG appointments made at Chietti is handed over to the Minister. Comm. Spinelli requests that before any appointment is made in AMG territory the Ministry should be notified and they will send an officiel holding the proper grade. If this is not possible the appointment by AMG should be made on a provisional basis only. Major Hannaford points out that Col. Dejohn instructed the legal officers that all appointments made by AMG should be provisional. Comm. Spinelli asks that a copy of this directive be given to him and that he be informed as to who has the power to make appointments; he presents two letters in which an AMG appointment is expressly referred to as permanent (Copies of the letters will be transmitted to the Subcommissi

Such situations

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Lt. Ciulli

Place: Palace of Justice, Offices of the Minister.

Meeting opened at 1515.

1. Property Control.

In reference to the last draft decree submitted by the Ministry, Major Hannaford expresses the view that it will serve as a good basis for further discussion with the Director of the P.C. Subcommission and with Col. Jung.

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3. Appointments of Officials. List of appointments at Chietti.

List of the AMG appointments made at Chietti is handed over to the Minister. Comm. Spinelli requests that before any appointment is made in AMG territory the Ministry should be notified and they will send an official holding the proper grade. If this is not possible the appointment by AMG should be made on a provisional basis only. Major Hannaford points out that Col. Dunlop instructed the legal officers that all appointments made by AMG should be provisional. Comm. Spinelli asks that a copy of this directive be given to him and that he be informed as to who has the power to make appointments; he presents two letters in which an AMG appointment is expressly referred to as permanent (Copies of the letters will be transmitted to the Subcommission). Such situations are very embarrassing for the Government.

4. Epuration.

Major Hannaford declares that the Minister's letter to the Subcommission on this subject was forwarded to the Chief Commissioner and that Mr. Zanitoni's draft decree is being studied. A conference of all concerned will be called when the study is completed.

5. Court of Appeal Section, Lucera. Jurisdiction over civil appeals.

Referring to Col. Behrens's letter Major Hannaford asks the Minister

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whether he deems it advisable to extend the jurisdiction of the Court so as to include civil appeals. Comm. Spinelli thinks that it is not necessary since the civil appeals may be handled conveniently through advocates at Bari and no personel appearance is necessary as in crimnal cases.

6. Consigliere Parziale, a displaced judge; payment of salary.

The Minister states that Parziale has arrived at Salerno and will serve with the Ministry so that no further action is needed.

7. Case of Prof. Raino, who was compelled by mob to resign from his office of conciliatore.

Major Hannaford states that the papers forwarded to the Subcommission for transmittal to Procuratore del Re at Naples were sent by us to the Executive Commissioner for investigation by AMG authorities.

8. Requests for transfers of officials.

Comm. Spinelli states that he has received no answer to the list of requests submitted some time ago. He is especially interested in the movement of GIURANNA & CAMA.

9. Amendment of Art. 3, RDL 11 Feb. 44, no. 91 on jurisdiction of Allied Military Tribunals in restored territory.

Comm. Spinelli asks for an express agreement with the proposal to amend this Art. so as to permit Italian Courts to deal with cases involving Allied interests. Major Hannaford promises to write a letter on the subject.

10. Removal by AMG of TRESCHI, President of Tribunal at Melfi (Matera).

The Minister would appreciate an information as to the reasons for removal. Major Hannaford promises to obtain the information.

11. Sections of Court of Cassation at Salerno.

The Minister reports that the Council of Ministers resolved to set up two Sections of Court of Cassation at Salerno (one civil and one criminal). About 20 magistrates will be needed and will also form a nucleus for the Court of Cassation of Rome.

12. Difficulties with the Reggio Court.

Agreed that Minister will write a memorandum on the recent developments which this Subcommission will forward for further investigation to Region 2. It seems that an AMG order blocked the transfer of files from Reggion to Messina.

13. Liaison Officer - Brindisi.

Comm. Spinelli complains that a certain Allied officer whose name he does not remember ~~insisted that a liaison officer~~ be appointed at the Tribunale ~~to pass upon requests for provisional liberty.~~ 30

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7. Case of Prof. Reino, who was compelled by mob to resign from his office of conciliatore.

Major Hannaford states that the papers forwarded to the Subcommission for transmittal to Procuratore del Re at Naples were sent by us to the Executive Commissioner for investigation by AMG authorities.

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Comm. Spinelli states that he has received no answer to the list of requests submitted some time ago. He is especially interested in the movement of GIURANNA & CAMA.

9. Amendment of Art. 3, RDL 11 Feb. 44, no. 31 on jurisdiction of Allied Military Tribunals in restored territory.

Comm. Spinelli asks for an express agreement with the proposal to amend this Art. so as to permit Italian Courts to deal with cases involving Allied interests. Major Hannaford promises to write a letter on the subject.

10. Removal by AMG of TEDESCHI, President of Tribunal at Melfi (Matera).

The Minister would appreciate an information as to the reasons for removal. Major Hannaford promises to obtain the information.

11. Sections of Court of Cassation at Salerno.

The Minister reports that the Council of Ministers resolved to set up two Sections of Court of Cassation at Salerno (one civil and one criminal). About 20 magistrates will be needed and will also form a nucleus for the Court of Cassation of Rome.

12. Difficulties with the Reggio Court.

Agreed that Minister will write a memorandum on the recent developments which this Subcommission will forward for further investigation to Region 2. It seems that an AMG order blocked the transfer of files from Reggion to Messina.

13. Liaison Officer - Brindisi.

Comm. Spinelli complains that a certain Allied officer whose name he does not remember ~~insisted that a liaison officer~~ be appointed at the Tribunale of Brindisi with the power to pass upon requests for provisional liberty. Major Hannaford explains that legal liaison officers function only at Courts of Appeal and there only in an advisory capacity and that no other than Legal Officers appointed by the Leg. Subcom. may contact Procuratori del Re on legal questions.

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Meeting closed at 1600 hours.

Note: Action to be taken on item 1,2,3,4,5,6,8,9,10,13.

ES.

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che magari con un semplice concorso interno.

La sottocommissione aderisce in pieno ai criteri esposti dal Ministero e si ripromette di sottolinearli agli organi periferici perchè siano tenuti nel debito conto, in quanto rispondono ai concetti che hanno informato le istruzioni categoriche impartite di recente su tale argomento dalle Autorità Alleate ai propri uffici di regionali.

Sempre su tale argomento il Ministero chiede che gli vengano precisati, per poter opportunamente curare le segnalazioni che gli pervengono in merito, quali siano le Autorità Alleate che hanno il potere di procedere a tali nomine e promozioni. La sottocommissione fa presente che per i gradi minori è il Capo della Provincia, previo benestare del Comando Alleato, mentre per i gradi più elevati la competenza è riservata all'Autorità Centrale, che non mancherà di consultarsi in proposito con il Ministero.

Vengono in seguito esibite alla sottocommissione due di tali segnalazioni relative la prima alla nomina del Giudice Turiello Michele a Procuratore del Re di Matera, e la seconda della Sig.ra Avallone Ester ad Aiutante di cancelleria in Salerno.

Si fa notare al riguardo che il Giudice Turiello fu nominato nell'ottobre scorso semplicemente incaricato delle funzioni di Procuratore del Re ma immediatamente prima della restituzione di Matera all'Amministrazione Italiana(3 Febbraio 1944) tale incarico fu mutato in nomina definitiva. Così anche l'assunzione della Sig.ra Avallone è datata appena un giorno prima del passaggio di Salerno sotto la giurisdizione del Governo Italiano (3 febbraio 1944). I membri della Sottocommissione, esaminati i documenti loro esibiti, riscontrano che in entrambi i casi gli ufficiali che hanno disposto i provvedimenti non ne avevano la facoltà: per quanto riguarda la nomina del Giudice Turiello essa è stata disposta nientemeno che da un ufficiale di polizia, appartenente del tutto incompetente; l'assunzione della Sig.ra Avallone è stata disposta dall'Ufficiale Legale di Salerno che non aveva i poteri per farlo. Chiedono di avere le copie dei detti documenti per poter intervenire nei casi particolari di cui trattasi ed anche, in linea generale, su tale argomento presso gli organi periferici.

SEZIONE DI CORTE DI APPELLO DI LIBERA

La Sottocommissione informa il Ministero che il Procuratore della Legge di detta Sezione ha espresso l'opportunità che sia estesa la competenza di quest'ultima alla trattazione delle cause civili. Il Ministero, dopo aver considerato i pro e contro al riguardo, si esprime d'avviso che è bene lasciare alla sede di Bari la trattazione delle cause civili. La sottocommissione concorda.

CONSIGLIERE PARZIALI ENRICO

La Sottocommissione comunica di essere stata informata dal proprio ufficiale Legale di Avellino che quel Presidente del Tribunale ha posizione di poter ulteriormente liquidare al Magistrato in oggetto lo stipendio senza che la sua posizione presso il Tribunale stesso sia regolarizzata.

Il Ministero fa presente che l'argomento può considerarsi superato in

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Il Maggiore HA[illegible]FORD,personalmente,fa presente che per quanto a sua conoscenza tali comunicazioni,pur non essendo i reati normali,sono migliori di un paio di mesi or sono.Comunque si concorda che il Ministero farà avere alla Sottocommissione un questionario su quanto interessagli, che avrà pronta evasione.

OFFICIALI DI COLLEGAMENTO PRESSO GLI UFFICI GIUDIZIARI.

Il Ministero riferisce alla Sottocommissione come in Brindisi si sia presentato a quel Procuratore del Tribunale un ufficiale alleato(di cui non si è in grado di precisarei nomi) il quale,interessandosi del corso dei procedimenti relativi ai furti commessi in danno degli alleati,ebbe a dichiarare il suo intendimento di mantenere un ufficiale di collegamento presso quel tribunale,per seguire da vicino l'andamento di tali processi,e per poter dare il consenso o meno per la concessione della libertà provvisoria.

Rileva al riguardo il Ministero che gli accordi a suo tempo presi contemplavano l'istituzione di ufficiali di collegamento unicamente presso le Corti d'Appello,e solo con un potere consultivo e di collaborazione che non comporta nessuna interferenza sulle prerogative della magistratura nel disimpegno delle sue funzioni.

La Sottocommissione si dichiara d'accordo al riguardo e si riserva di indagare sul caso riferito.

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4013/3

AGENDA FOR MEETING WITH THE MINISTER OF JUSTICE
TO BE HELD ON 10th MARCH, 1944.

1. Property Control.

2. Directives to Procuratori Generali on offences committed by Italians against Allied Forces.

3. Appointment of Officials in Chietti Province. List handed over by the Minister.

4. Copy of our letters to A.L.Cs. requesting lists of displaced judicial personnel. forwarded with the minute.

5. Should the decree setting up the Court of Appeal Section, Lucera, be amended so as to include civil appeals in the jurisdiction of this court?

6. Perziale Enrico. Payment of a displaced judge.

7. The case of Professor Raino. (For Major Hammford).

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ACC/[illegible]/[illegible]/L

[illegible]

Minutes of Meeting held
[illegible] March 19[illegible].

Place: Palazzo di Giustizia, Office of the Legal Subcommission.

Present: Col. [illegible] "
Major Hassaford "
Major Theckrah --- for the Legal Subcommission
Sgt Stein (Interpreter) "

Lt. Col. Cousins, PCIC, Region 2
Lt. Col. Quin-Smith --- for Army Subcommission

Comm. Giannantonio --- for the Ministry of [illegible]
Consigliere Curcio "
Judice Bonelli "
Gen. Cinelli "
[illegible]
[illegible]

Meeting opened at 1415.

Major Theckrah explains that the object of this coference is to establish a more effective machinery under prevailing Italian law for a rigorous prosecution of trials against Italian civilians and soldiers who committed or will in the future commit crimes against Allied interests. Gen. Jarcelli emphasizes the willingness on the part of the Military authorities to cooperate with the Allies in every possible way. He states that the prosecution in Military Tribunals is hampered by lack of judicial personnel as reported to him by Procuratore Generale Militare. In his opinion Art. 15 of the Penal Military Code of War gives the Military Tribunals jurisdiction over the type of cases previously mentioned by Major Theckrah. Lt. Col. Cousins points out that the Procuratore at the Naval Court of Taranto is of the same opinion as the General. After a thorough discussion of the problems arising out of the procedure whereby cases will be referred to civil or military courts, the following points are agreed upon:

1. For the purpose of Art. 15 Italy will be considered as a State "associated in war" with the Allies. Thus interpreted, the Article confers jurisdiction upon Italian Military Tribunals to try offenses against the Allied Forces.

2. Offenders will be handed over by the Allied Police to the Carabinieri. At the same time or as soon as possible thereafter the Allied police will transmit to the Carabinieri a statement setting forth the crime charged, the results of a search and other evidence obtained by the Allied authorities. This statement does not prejudice the right of the Italian authorities to deal with the case in pursuance of Italian law.

3. The Carabinieri will report the charges to the Procuratore del Re who will order further investigation if he deems it necessary and will provisionally classify the case as belonging to a civil or military court respectively (final decision as to the jurisdiction is with the judge). He will inform at once the

Lt. Col. Cousins, SCIC, Region 2
Lt. Col. [illegible] --- for Army Subcommission

[illegible]

[illegible]

[illegible]

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AGC/4013/3/L

Minutes of Meeting held 29 Feb. 44

Present: Col. Upjohn
Lt. Col. Wilmer
Major Hannaford
Major Palmieri
Sgt Stein (interpreter) --- for the Legal Subcommission

S. E. Casati
Comm. Spinelli
Vitt. Montefusco
Tenente Giulli (interpreter) --- for the Ministry of Justice

Meeting opened at 1510.

1. Section of Court of Cassation in Liberated Italy.

The Minister wishes to know the reasons why the Subcommission some time ago expressed their doubts as to the constitution of a Section of Court of Cassation for the entire liberated Italy which would function until Rome is liberated. There are many cases decided by Courts of Appeal and subject to recourse of cassation. In penal cases defendants are held in prison and in civil cases parties who obtained the judgment are hesitating to act upon it pending the recourse. Col. Upjohn assures the Minister that there is no objection against setting up of the Section but the problem of office space and personnel might cause difficulties. Comm. Spinelli thinks that if some indication could be given that Rome will be taken within 1 or 2 months the Ministry would prefer to wait in view of the difficulties pointed out by Col. Upjohn. Agreed that the Ministry will obtain a survey of all cases where recourse is pending and the solution will be delayed in the meantime.

2. Payment of salaries to dislocated judicial officials in AMG territory.

Major Hannaford indicates the intention of the Subcommission to republish in AMG territory the Italian decree providing for payment of salaries to officials whose place of official residence is still in the hands of the enemy. The Minister agrees to that but requests that he be given a complete list of judicial officials who for any reason were not able to reach their seat of office. He would attach some of them to the Ministry and use the remaining even in free Italy. Major Hannaford promises to procure the list.

3. Court of Appeal Section, Lucera.

The Minister transmits a copy of his instruction for the opening of the Court.

4. Cons. Cervelli, Court of Foggia, transferred to Bari.

Comm. Spinelli explains that the transfer has been effected without the approval of the Subcommission solely because urgent family reasons made it imperative. Sig. Cicarelli who is at present at Foggia, would take Cervelli's place. Col. Upjohn agrees to that.

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5. [illegible]

Vitt. Monterusso
Tenente Giulli (interpreter)

Meeting opened at 1510.

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5. Petitions for Pardon filed by defendants imprisoned or residing in AMG territory.

It is agreed that the Directors of Prisons in AMG territories will be instructed by the Legal Subcommission to transmit the Petitions to the competent Procuratore del Re who will make the necessary investigations and forward the record with his recommendations to the AMG Legal Officer who would pass it to the Subcommission adding his remarks. The Subcommission in turn would forward it to the Ministry. The Public Safety Subcommission will be informed accordingly.

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6. Transfer of suppression of the Tribunal of Foggia.

Agreed that the Legal Subcommission will sound out the opinion of local AMG authorities on this point.

7. Property Control.

Major Hannaford presents a form of contract used by the PGELI and a new proposal of Col. Harris. After some discussion the Minister promises that a new draft xxxx (decree) will be prepared.

8. Ex-Fascist Property.

Major Hannaford inquires as to what is the intention of the Ministry in regard to the ex-fascist property. The Minister points out that Intendenza di Finanza have been authorized to take over personal property of the ex-fascist organization and a Commissioner has been appointed recently by the Council of Ministers to take over their real estate. Those fascist organizations which have not yet been dissolved, will be liquidated by a law which is now in course of preparation and which will also finally settle the fate of all such property.

9. Transmittal of documents concerning prison matters.

Major Hannaford requests that all such documents be sent to the Public Safety Subcommission for further transmittal.

10. List of Officials in AMG territory to be transferred upon request of the Ministry.

In accordance with the agreement reached on Feb. 26 Comm. Spinelli presents the list with the remark that Sig. Cama from Brescia would take place of Consigliere di Cassazione Giuresca whose transfer from Naples to the Ministry is urgently requested.

11. General passes for Foggia Province.

Major Hannaford promises to take up the matter with the Security and Intelligence Division and receives a list of 18 persons who will need such passes.

12. Examination of Procuratori legali in restored territories.

A copy of a R. decree containing in substance the provisions of our Gen. Order 12 on these examination is produced by Comm. Spinelli. It is given to Major Palmieri (see below under 13). Contrary to Gen. Order 12 the number of candidates non soldiers is limited.

13. Examinations of Procuratori Legali in Naples.

Agreed that Major Palmieri will draft a Regional order following the Italian decree mentioned above under 13 as closely as practicable.

14. Defascistization.

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14. Defascistization.

It is agreed that all steps will be taken to assure uniformity in defascistization proceedings.

Meeting adjourned at 1630.

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ACC/AOI/3

T R A N S L A T I O N

Minutes of meeting held on 27 Feb. in

Present: For the Ministry:
Comm. Grimaldi, Comm. Incoronato,
Dr. Montefusco, Tenn. Gaeta (Intrp).
For the Allied Control Commission:
Major Hannaford, Major Threkeld.

The following is agreed upon: it is necessary to provide with utmost speed for the transfer of magistrates and judicial functionaries whose official work is in the enemy occupied territory and who are at present employed in Region 3; for that purpose Major Hannaford, Major Threkeld, Comm. Incoronato and Dr. Montefusco with a functionary from the Recorder's office will proceed tomorrow to Naples to discuss the matter with the President of Court of Appeal F. Liberati and the Procuratore General, Winspeare, to compile a list of such officials and obtain immediately the approval from the AMG; these officials will be placed at Minister's disposition who will either use them directly at the Ministry or remark them for the judicial offices at Rome.

Major Threkeld accompanied by Dr. Montefusco kindly consented to stop at CASERTA (Benevento) before proceeding to Naples and fetch Cr. Uff. Pennitto who will assume the office of the Head of Cabinet of H.E. the Minister.

In regard to the evacuation of judicial archives at the Tribunals, Comm. Incoronato the member of the Subcommission state that they succeeded in obtaining a delay of several days for the execution of the Allied order of evacuation but stress the necessity to attend to the evacuation with all possible speed in view of the fact that the premises in which the archives are situated are urgently needed; the members of the Subcommission offer to provide the means of transportation and receive the assurance that a search will be made at once for suitable space and movement will be made with all possible speed and with the help of Allied means of transportation.

RELAZIONE SULL'INCONTRO DEL 27 FEBBRAIO 1944

PRESENTI: Per il Ministero di Grazia e Giustizia:
Comm.Spinel , Comm.Incoronato, Dr.Mon fusco,Ten.Ciulli (inter.)
Per la Commissione Alleata di Controllo:
Magg.Hannaford, Magg.Thackrah.

Allo scopo di risolvere con la maggiore urgenza possibile la pratica dello spostamento dei magistrati e funzionari giudiziari, titolari di sedi in territorio occupato, ed attualmente applicati nella Regione 3, si prendono accordi perchè domani i maggiori Hannaford e Thackrah, accompagnati dal Comm.Incoronato, dal Dr.Montefusco e da un funzionario di cancelleria si rechino a Napoli per discutere la cosa con il Presidente di quella Corte di Appello Eccellenza Libonati ed il Procuratore Generale Comm.Minervini, precisare un elenco nominativo di tali elementi ed ottenere quindi subito il Decreto dell'A.M.G. perchè essi siano considerati a disposizione del Ministero sia per l'utilizzo diretto presso il Ministero stesso sia per essere impiegati a suo tempo pel funzionamento degli uffici giudiziari di Roma.

Il Magg.Thackrah accompagnato dal Dr.Montefusco ha cortesemente aderito a recarsi, prima di raggiungere Napoli, a Pietrelcina (Benevento) per rilevare il Gr.Uff.Pannullo il quale deve prendere servizio al Ministero in qualità di Capo di Gabinetto di S.E. il Ministro.

I Membri della Sottocommissione, in relazione alla preghiera loro rivolta ieri dal Ministero circa lo spostamento negli archivi giudiziari del Tribunale di Salerno, comunicano di avere ottenuto che l'attuazione dell'ordine Alleato fosse prorogata di qualche giorno, ma, data l'urgenza di avere i locali ove attualmente sono situati gli archivi, pregano di provvedere allo spostamento con tutta la maggiore premura, dichiarandosi pronti a fare avere i mezzi necessari al trasporto. Si dà loro assicurazione che si cercherà subito dove poter sistemare detti archivi e lo spostamento, con l'ausilio dei mezzi alleati, sarà fatto con tutta la più viva premura.

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Transl. ES 1 Mar 44

ACC/4013/3/I.

TRANSLATION

Minutes of Meeting on 26 Feb 1944

PRESENT: For the Ministry: Comm. Spinelli, Comm. Varallo, Lt. Ciulli (Interpreter)
For the ACC: Maj. Hammaford and Maj Thackrah.

Allied Officers are given a letter of the President of the Tribunale, Salerno addressed to H.E. the Minister from which it appears that the Allied Command has ordered immediate evacuation at 1400 hours today of the Archives located on the first floor of the Palace of Justice.

The delicacy of the material and the impossibility to comply with the request within the fixed time is stressed to the members of the sub-commission and assurance is given by them to attempt a settlement of the matter in the most convenient manner.

The difficulties of the judicial authorities at Brindisi is stressed arising out of the order of the Allied Military Authorities requisitioning the prison at Brindisi. It is requested that the competent organs be impressed with the necessity to reserve in this prison--the only one in the judicial center--a minimum space at least for the defendants expecting trial.

The aforesaid officers find this request well founded and promise to take it up with the Allied Authorities and report the result.

It is agreed that in order to speed up the procedure of transfers of officials holding office in AMG territory, the Ministry will present a list of proposed transfers at the periodical meetings with the sub-commission. Such act will set in detail firstly the names and whenever possible the reasons justifying the transfer. The sub-commission then will procure the assent of local AMG authorities and will communicate the result of their inquiry to the Ministry as soon as possible.

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T R A N S L A T I O N

125/gmf

Extract from Minutes of the Meeting held 2 6 Feb. 44

The following is pointed out in regard to the solution proposed by the Allies at the last meeting concerning the control of property owned by nationals of the United Nations.

At the first comprehensive survey of the problem difficulties of both legal and practical character have arisen in regard to the creation of a body (corporation) which would assume the functions of Property Control. It is thought that it would be much easier and more practical to entrust the control to a Commissioner (Commissarinto). Such office would be more flexible in its functioning and would be more suitable for a task of essentially administrative character. In the performance of this task the Commissioner's office would take advantage of experts representing various Ministries in the Office. On the other hand the coordinating and executive power should be vested in a person selected for practical reasons from banking circles which are more better prepared to deal with a great variety of problems essentially of economic character. For handling such problems it would be advisable to select a banker who apart from his professional qualifications would be familiar with the Anglo-Saxon atmosphere and language and would possess a good legal background.

The view was expressed by the Allies as to the speed and scope of activities to be undertaken by the Office of the Commissioner for the purpose of safeguarding in a most efficient way the interests of the subjects of the United Nations. On Behalf of the Allied Commission the control would be exercised by the Property Controller who would be given abundant powers to exercise broadest control over the conduct of affairs and intervene in any case where modifications or rectifications are requested. Furthermore, he would be given full powers to propose to the Commissioner's office the execution of acts exceeding the scope of ordinary administration whenever the need for such acts should arise in the interest of the administered property.

The members of the Legal Subcommission agree with the general principles indicated above. A draft will be prepared in accordance with such principles to serve as a basis for discussion at which detailed and definite provisions will be agreed upon.

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The Allied officials ask Comm. Spinelli to obtain for their perusal a law on transport of food products subject to rationing. It is a law of April 1943.

Transl. 1 Mar 1944. E.S.

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RELAZIONE SULL'INCONTRO DEL 26 FEBBRAIO 1944

PRESENTI: Per il Ministero di Grazia e Giustizia:
Comm. Spinelli, Comm. Varallo, Ten. Ciulli (interprete).
Per la Commissione Alleata di Controllo:
Magg. Hennaford e Magg. Thackrah.

Viene consegnata agli Ufficiali Alleati copia di una lettera indirizzata dal Presidente del Tribunale di Salerno a S.E. il Ministro con la quale lo s'informa dell'ordine del Comando Alleato di immediato sgombero, da effettuarsi entro le 14 di oggi, dell'archivio esistente nei locali a pianterreno del Palazzo di Giustizia.

Si fa presente ai Membri della Sottocommissione la delicatezza del materiale e l'impossibilità di dar seguito a quanto richiesto nello spazio di tempo fissato, così che si riceve assicurazione di interessamento da parte degli interlocutori per accomodare la cosa in maniera più opportuna.

Viene quindi, in base alle comunicazioni pervenute da Brindisi, nuovamente rappresentata alla Sottocommissione la grave difficoltà nella quale vengono a trovarsi gli Uffici Giudiziari di Brindisi per effetto dell'ordine di requisizione emanato dalle Autorità Militari Alleate per quel Carcere e si prega di voler cortesemente far comprendere ai competenti organi come sia indispensabile conservare in detto Carcere - unico in quel centro giudiziario - un minimo di posti, almeno per gli imputati in attesa di giudizio.

Convenendo nella fondatezza della richiesta, i predetti Ufficiali assicurano di volersi interessare della cosa presso le Autorità Alleate e riferire l'esito dei loro passi.

Si concorda infine che per sveltire la procedura relativa ai movimenti di magistrati e funzionari giudiziari delle sedi sottoposte all'A.M.G., negli incontri periodici con la Sottocommissione Legale il Ministero sottoporrà a questa l'elenco delle richieste, nominativamente dettagliato e, quando possibile, con l'indicazione delle ragioni che giustificano il movimento. La Sottocommissione in base a tali elenchi si occuperà di avere l'accordo delle Autorità locali A.M.G. competenti e comunicherà l'esito delle varie pratiche al Ministero nel più breve tempo possibile.

In relazione alla soluzione proposta dagli Alleati nel corso del precedente incontro circa la regolamentazione della tutela dei beni di sudditi delle Nazioni Unite, si fa presente come ad un primo sommario esame del problema, siano emerse delle difficoltà di ordine sia giuridico che pratico alla creazione dell'Ente che dovrebbe assumere detta funzione; mentre si pensa che molto più agevole e più pratico risulterebbe demandare tale tutela ad un Commissariato. Esso, più agile nel suo organismo di quel che potrebbe essere un Ente, meglio risponderebbe al compito essenzialmente

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le lo s'impone dell'azione del Comando Alleato di immediato sgombero, de-
sistituirsi entro le 11 di oggi, dell'archivio esistente nei locali e pra-
tenenze del Palazzo di Giustizia.

Si fa presente al Governo della Confederazione la delicatezza del ma-
teriale e l'importanza di una seguita custodia richiesta dalla specie
di tempo trascorso, nonchè dalla necessità che di istruimento da
parte degli interlocutori per addivenire al caso in esame più opportune.

Viene quindi, in base alle comunicazioni pervenute ed esaminate, pro-
vveduto all'esame delle controdeduzioni presentate dalle parti interessate nel-
la stessa a norma dell'articolo 3 del Decreto Legislativo 26 Luglio 1945 per quel
l'ordine di considerazioni e nello spirito della citata disposizione di competenti or-
gani della Confederazione e della Commissione Alleata di Controllo. Si è preso atto
quanto sopra ha formato oggetto di apposite comunicazioni alla Commissione Alleata
Centro Giustizia - Ufficio di Roma, nonchè del rilievo da questa
di giudizio.

Conformemente alla procedura della specie, i predetti Uffici ri-
chiederanno di valersi del concorso della Corte Suprema Alleata e
successivamente l'esito dei loro passi.

Si conviene infine che per evitare la pubblicità relativa ai movimen-
ti di magistrati e funzionari giudiziari delle zone occupate all'A.M.G.,
degli incontri personali con la Sottocommissione Legale il Ministero cor-
reporta a questa l'elenco delle richieste, possibilmente ordinato e,
quando possibile, con l'indicazione delle ragioni che giustificano il mo-
vimento. La Sottocommissione si basa a tali elenchi di accertare di avere
l'accordo delle Autorità locali A.M.G. competenti e comunicherà l'esito del-
le varie pratiche al Ministero nel più breve tempo possibile.

In relazione alla soluzione proposta dagli Alleati nel corso del pre-
sente incontro circa la regolamentazione delle tutele dei beni di sudditi
ti delle Nazioni Unite, di cui presente come ad un primo sommario esame dal
problema, siamo convinti delle difficoltà di ordine non giuridico che prati-
co alla creazione dell'Ente che dovrebbe assumere detta funzione; mentre
si pensa che molto più agevole e più pratico risulterebbe demandare tale
tutela ad un Commissariato. Esso, più agile nel suo organismo di quel che
potrebbe essere un Ente, meglio risponderebbe al compito essenzialmente
amministrativo che dovrebbe svolgere e per il quale si avvantaggerebbe del
contributo dei veri esperti attraverso i quali sarebbero in caso rappresen-
tati i singoli Ministeri. L'azione coordinatrice e direttiva potrebbe esse-
re invece utilmente svolta da un elemento che, per ragioni di ordine pratì-
co sarebbe opportuno scegliere nell'ambiente bancario, campo più eclettico
e meglio preparato a trattare i problemi di ordine vario - sebbene tutti
principalmente di natura economica - che si presenterebbero, e per i quali
sarebbe opportuno scegliere un bancario che, oltre la specifica capacità

professionale, avesse famigliarità con l'ambiente e la lingua anglo-sassone e possedesse una buona inquadratura giuridica.

Il controllo per conto della Commissione Alleata sarebbe esercitato dal "custode dei beni" al quale, in base a quanto gli Alleati fanno intendere circa la speditezza e segretezza di azione che si desidererebbe poter dare al Commissariato per tutelare nel modo più efficace gli interessi in Italia dei sudditi delle Nazioni Unite, si dovrebbe praticamente attribuire oltre che il diritto di esercitare nella maniera più ampia il controllo sulla gestione e di intervenire durante il corso di essa per chiedere le modifiche o rettifiche ritenute del caso, anche la facoltà di suggerire e proporre al Commissariato l'esecuzione di eventuali atti eccedenti le normali facoltà di gestione quando ciò fosse ritenuto utile nell'interesse dei beni amministrati.

I Membri della Sottocommissione sono d'accordo in linea generale sui principi di massima sopra accennati, per cui si conclude circa la preparazione, secondo tali nuovi termini, dello schema che dovrà formare oggetto della discussione per la redazione delle norme dettagliate e definitive.

Gli Ufficiali Alleati pregano il Comm.Spinelli di procurare loro in visione la legge emanata per la disciplina del trasporto delle derrate alimentari soggette all'ammasso. Dev'essere una legge dell'aprile 1945.

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REFERENCE THE MEETING OF 24 FEBRUARY 1944

PRESENT: On behalf of the Ministry of Grace and Justic
Comm. Spinelli, Lt. Ciulli (Interpreter).
On behalf of the Allied Control Commission:
Major Hammaford and Major Thackrah.

The members of the Legal Sub-Commission, having seen that it was not easy to make the justified claims of the "custode dei beni" (custodian of goods or property) for the exercise of his servide agree with the regulamentation which according to Italian legislation it was possible to determine, propose to solve the problem in the following terms:
Relieve from the competence of the EGELI (Ente Gestione and Liquidazione Immobiliare) all that which refers to goods and patrimonial rights of subjects of the United Nations in order to attribute to it the administration and protection, together with that of all goods belonging to the said subjects and however now located in liberated Italian territory, to an Ente, specifically created, to which there will be conferred all the necessary powers for the accomplishmentof its functions, taking as a starting point the same regulamentation established for the EGELI, the with the addition of those rights, obligations and prerogatives considered by the Allies as opportune and necessary. The new body, in denomination of which the Allies make known that it is necessary - for political reasons - to make appear explicitly the diction of "protection" (besides administration), it would be a body purely Italian subject to determined control on the part of the Allied Control Commission, which would exercise it through the "custode dei beni."

Comm. Spinelli states that personally he sees nothing to the contrary on the matter of the proposed solution, but reserves himself naturally to refer to His Excellency the Minister for the formal acceptance by the Italian side of the proposal.

We are therefore in agreement that, in case there are no objections to this by His Excellency Casati, the Ministry will prepare a plan of principle which will constitute the basis for the discussions for the definite wording of the provision to be submitted to the Consiglio dei Ministri.

Then the question already dealt with in the preceding meeting arises, concerning the formulation of Art. 3 of the R.D.L. 11-2-1944, No. 31 the wording of which seems not to adhere fully but exceeds the intentions which have moved the Allied Authorities to request its issuance. Patrimonial crimes committed to the detriment of the Allies should be more opportunely asked of the jurisdiction of the Italian Civil Tribunals, except for the right of the Allied Authorities to claim/right the to try at Allied Military Courts those cases which they consider of major importance or of special interest.

The members of the Sub-commission admit that such was the effective desire of the Allies, for which we decide that the Ministry will submit to the Legal Sub-Commission a written request that he may issue a rule which will have framed in it the provision of said article in a more adequate way to effect its purpose, in the sense explained above.

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We transmit to the sub-commission a memorandum with which we kindly request that the proper Allied personnel devote their attention on the procedure for the assignment of civilians in concentration camps, since numerous requests in regards to this matter have come to the Minister of the Interior, His Excellency Reale, and the interested parties desire to have the right to answer such queries. We also request that a clarification be made, whether, in the pecently restored provinces and also in those already which had already started functioning under the Italian Government, the Commissions of Appeal for the "assegnazione al confino di polizia" must be constituted by Italian Authority or by Allied Authority.

Re this matter, we have assurance of desire to examine the matter in order to report and eventually to provide for it, according to its merit.

Regarding the confirmation of the term for three years of the Vice Pretori of the Province of Potenza, the sub-commission informs you that the provision is due to an error arising between the local Legal Officer and the Avvocato Generale, but that the right of the Ministry to confirm or not to confirm, in agreement with the Legal Sub-Commission, such confirmations, remains intact. Meanwhile they will repeat assurances in writing to the Ministry.

It is brought to the notice of the Allied officials, as the Director of Prisons of Salerno may have already pointed out to the Ministry that, since that even now the territory of the province has been restored to the administration of the Italian Government, that the officer of the AMG in charge of the Prisons continues to give orders inherent to normal management; in order to avert possible mistakes, we would like to know exactly to which authority he must actually be Chief and from whom he should receive orders: Ministry or AMG.-

The Ministry believed it should be clarified to the Director of the Prisons that, with the return of the province of Salerno to Italian Administration, that he reintegrate the dependence of the Prison from normal administrative/organs, and considers it opportune to refer the matter to the Legal Sub-Commission so that it can rectify such state of affairs, in the case that it should be necessary, as regards the AMG -

The Allied officials take note, stating that they are in agreement that actually it is no longer necessary for AMG to intervene into those matters which refer to the normalfunctioning of administrative bodies in offices falling under the jurisdiction of the Italian Government.

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We ask the sub-commission if they have nothing to the contrary to please the Ministry, for the necessity of its installation, cosing from juridical offices situated in controlled territory (Naples, Avellino, Benevento) of the furniture not utilized in lease from the Allied and not indispensable to the pertinent offices. The sub-commission states of having nothing contrary to this, in fact adheres courteously to forward to the Ministry in Charge of Region 3 a letter in which it is requested to obtain and possibly the transport of such furniture.

Finally, for information, a copy of a letter is given the sub-commission addressed to Headquarters of Region 3 in answer to request made by to the Ministry to govern formally the nomination on the part of the Allied Authorities, of Doctor Bonomi to Regional Director of the Prisons of Naples, Benevento and Avellino. We explain that such qualification does not exist in the arrangement on the document and that Bonomi is preceded by grade by 24 other functionaries for the promotion to the higher grade. Considered useful and necessary by the Allies, Bonomi can continue to execute the duties actually entrusted to him, and of which a debit account will be held, but it will not be possible for the Ministry to accede to the request for the reasons given above and in respect to a principle of equanimity towards all ex the other colleagues of Bonomi in regards to promotion.

Rlp
1 March 1944

RELAZIONE SULL'INCONTRO DEL 24 FEBBRAIO 1944

PRESENTI: Per il Ministe. di Grazia e Giustizia:
Comm.Spinelli, ..n.Ciulli(interprete).
Per la Commissione Alleata di Controllo:
Magg.Hannaford e Magg.Thacbah.

I membri della Sottocommissione Legale, premesso che riusciva non facile mettere d'accordo le giustificate pretese del "custode dei beni" per l'esercizio delle sue funzioni con la regolamentazione che in base alla legislazione italiana era possibile determinare, propongono di risolvere il problema nei termini seguenti:
Avolvere dalla competenza dell'EGELI (Ente Gestione e Liquidazione Immobiliare) tutto quanto si riferisce a beni e diritti patrimoniali di sudditi delle Nazioni Unite per attribuirne l'amministrazione e la protezione, adottando a quella di tutti i beni appartenenti ai predetti sudditi e comunque ora siti in territorio italiano liberato, ad un Ente, appositamente creato, al quale conferire tutti i poteri necessari all'espletamento della sua funzione,prendendo come punto di partenza la stessa regolamentazione etabilita per l'EGELI, con l'aggiunta di quei diritti, obblighi e prerogative ritenute dagli Alleati come opportuni e necessari.
Il nuovo Ente, nella denominazione del quale gli Alleati fanno presente è necessario - per ragioni politiche - far apparire esplicitamente la dizione di "protezione" (oltre che amministrazione), sarebbe un Ente prettamente ituliano soggetto a determinato controllo da parte della Commissione Alleata di Controllo, che lo eserciterebbe attraverso il "custode dei beni".

Il Comm.Spinelli dichiara che personalmente non vede nulla in contrario circa la soluzione prospettata, ma si riserva naturalmente di riferire a S.E. il Ministro per l'accoglimento formale da parte italiana della proposta.

Si resta pertanto d'accordo che, in caso non vi siano opposizioni al riguardo da parte di S.E. Gasati, il Ministero preparerà uno schema di massima che costituirà la base delle discussioni per la redazione definitiva del provvedimento da sottoporre al Consiglio dei Ministri.

Viene quindi ripreso l'argomento già trattato nel precedente incontro circa la formulazione dell'art.3 del R.D.L. 11-2-1944, n.31 la dizione del quale sembra non aderisca pienamente ma ecceda le intenzioni che hanno mosso le Autorità Alleate a richiederne l'emanazione. I delitti patrimoniali commessi a danno degli Alleati dovrebbero più opportunamente essere demandati alla giurisdizione dei Tribunali Civili Italiani, salvo il diritto delle Autorità Alleate di avocare ai Tribunali Militari Alleati quei casi che giudicassero di maggiore importanza o di speciale interesse.

I membri della Sottocommissione ammettono tale essere lo spirito effettivo desiderio degli Alleati, per cui si decide che il Ministero sottoporrà alla Sottocommissione Legale richiesta scritta di poter emanare una norma che inquadri il disposto di detto articolo in

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... giustificate pretese del "custode dei beni" per l'esercizio delle sue funzioni con la regolamentazione che in base alla legislazione italiana era possibile determinare, propongono di risolvere il problema nei termini seguenti:

Avolvere dalla competenza dell'EGELI (Ente Gestione e Liquidazione Immobiliare) tutto quanto si riferisce a beni e diritti patrimoniali di sudditi delle Nazioni Unite per attribuirne l'amministrazione e la protezione, unitamente a quella di tutti i beni appartenenti ai predetti sudditi o comunque ora siti in territorio italiano liberato, ad un Ente, appositamente creato, al quale conferire tutti i poteri necessari all'espletamento della sua funzione, prendendo come punto di partenza la stessa regolamentazione stabilita per l'EGELI, con l'aggiunta di quei diritti, obblighi e prerogative ritenute dagli Alleati come opportuni e necessari. Il nuovo Ente, nella denominazione del quale gli Alleati fanno presente è necessario - per ragioni politiche - far apparire esplicitamente la dizione di "protezione" (oltre che amministrazione), sarebbe un Ente prettamente italiano soggetto a determinato controllo da parte della Commissione Alleata di controllo, che lo eserciterebbe attraverso il "custode dei beni".

Il Comm. Spinelli dichiara che personalmente non vede nulla in contrario circa la soluzione prospettata, ma si riserva naturalmente di riferire a S.E. il Ministro per l'accoglimento formale da parte italiana della proposta.

Si resta pertanto d'accordo che, in caso non vi siano obiezioni al riguardo da parte di S.E. Casati, il Ministero preparerà uno schema di massima che costituirà la base delle discussioni per la redazione definitiva del provvedimento da sottoporre al Consiglio dei Ministri.

Viene quindi ripreso l'argomento già trattato nel precedente incontro circa la formulazione dell'art.3 del R.D.L. 11-2-1944, n.31 la dizione del quale sembra non aderisca pienamente ma ecceda le intenzioni che hanno mosso le Autorità Alleate a richiederne l'emanazione. I delitti patrimoniali commessi a danno degli Alleati dovrebbero più opportunamente essere demandati alla giurisdizione dei Tribunali Civili Italiani, salvo il diritto delle Autorità Alleate di avocare ai Tribunali Militari Alleati quei casi che giudicassero di maggiore importanza o di speciale interesse.

I membri della Sottocommissione ammettono tale essere stato l'effettivo desiderio degli Alleati, per cui si decide che il Ministero sottoporrà alla Sottocommissione Legale richiesta scritta di poter emanare una norma che inquadri il disposto di detto articolo in maniera più adeguata all'effettivo suo scopo, nel senso sopra esposto.

Si trasmette alla Sottocommissione un pro-memoria con il quale si prega gli organi Alleati di voler cortesemente portare la loro attenzione sulla procedura per l'assegnazione di civili in campo di concentramento, dato che numerose richieste in proposito sono pervenute al Ministro

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dell'Interno, S.E.Reale, perchè sia accordata agli interessati il diritto di contestazione. Si prega inoltre di chiarire se nelle provincie di recente restituite ed anche in quelle già inizialmente amministrate dal Governo Italiano le Commissioni di Appello per l'assegnazione al confino di polizia devono essere costituite dall'Autorità Italiana o da quella Alleata.

Si riceve al riguardo assicurazione di volere esaminare la cosa per riferire ed eventualmente provvedere in merito.

Circa la conferma nell'incarico per tre anni dei Vice Pretori della Provincia di Potenza, la Sottocommissione fa presente che il provvedimento è dovuto ad un equivoco insorto tra il locale Ufficiale Legale e l'Avvocato Generale, ma che il diritto del Ministero di confermare o meno, d'accordo con la Sottocommissione Legale, tali funzionari resta integro. Di tanto ripeteranno assicurazione per iscritto al Ministero.

Viene quindi segnalato agli Ufficiali Alleati come il Direttore delle Carceri di Salerno abbia fatto presente al Ministero che, poichè anche ora che il territorio della provincia è stato restituito all'Amministrazione del Governo Italiano l'Ufficiale dell'A.M.G. già addetto alle Carceri continua ad impartire ordini inerenti alla normale gestione, gradirebbe, ad evitare possibili equivoci, conoscere esattamente a quale autorità debba egli attualmente far capo e da chi ricevere ordini: Ministero od A.M.G.-

Il Ministero ha ritenuto di chiarire al Direttore delle Carceri che, con il ritorno della provincia di Salerno all'Amministrazione Italiana, si reintegra la dipendenza del Carcere dai normali organi amministrativi italiani, e considera opportuno riferire la cosa alla Sottocommissione Legale perchè possa rettificare tale stato di fatto, nel caso fosse necessario, nei confronti dell'A.M.G.-

Gli Ufficiali Alleati ne prendono nota, dichiarandosi d'accordo che attualmente non è più oltre necessario l'intervento dell'A.M.G. per quel che riguarda il normale andamento di organismi amministrativi nelle sedi ricadenti sotto la giurisdizione del Governo Italiano.

Si chiede alla Sottocommissione se abbia nulla in contrario affinchè il Ministero, per la necessità del suo impianto, prelevi da uffici giudiziari siti in territorio controllato (Napoli, Avellino, Benevento) del mobilio non utilizzato in loco dagli Alleati e non indispensabile agli Uffici di appartenenza. La Sottocommissione dichiara di non avere nulla in contrario, ed egli aderisce cortesemente a rilasciare al Ministero per il Comando della Regione una lettera in cui si prega di facilitare il prelievo e possibilmente il trasporto di tali mobili.

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Si riceve al riguardo assicurazione di volere esaminare la cosa per riferirne ed eventualmente provvedere in merito.

Circa la scadenza dell'incarico per tre anni dei Vice Prefetti della Provincia di Salerno, la Sottocommissione fa presente che il provvedimento è dovuto ad un equivoco insorto tra il locale Ufficiale Legale e l'Avvocatura Generale, ma che il rifiuto del Ministero di convalidare o meno, d'accordo con la Sottocommissione Legale, tali nomine resta invariato. Di tanto rinnovata assicurazione per iscritto al Ministero.

Viene quindi segnalato agli Ufficiali Alleati se e il direttore delle Carceri di Salerno abbia fatto presente al Ministero che, poichè anche ora che il territorio della provincia è stato restituito all'Amministrazione del Governo Italiano l'Ufficiale dell'A.M.G. già addetto alle Carceri continua ad ingerirsi negli interessi della normale gestione, gradirebbe, ad evitare possibili equivoci, conoscere esattamente a quale autorità debba egli attualmente far capo e da cui ricevere ordini: Ministero od A.M.G.-

Il Ministero ha ritenuto di chiedere al Direttore delle Carceri che, con il ritorno della provincia di Salerno all'Amministrazione Italiana, si reintegra la dipendenza del Carcere dai normali organi amministrativi italiani, e conviene opportuno riferire la cosa alla Sottocommissione Legale perchè possa rettificare tale stato di fatto, ove ciò fosse necessario, nei confronti dell'A.M.G.-

Gli Ufficiali Alleati ne prendono nota, dichiarandosi d'accordo che attualmente non è più oltre necessario l'intervento dell'A.M.G. per quel che riguarda il normale andamento di ordinamenti amministrativi da lei dipendenti sotto la giurisdizione del Governo Italiano.

Si chiede alla Sottocommissione se abbia nulla in contrario affinchè il Ministero, per la necessità del suo impianto, prelevi da prima giudiziari siti in territorio controllato (Napoli, Avellino, Benevento) del mobilio non utilizzato in loco dagli Alleati e non indispensabile agli Uffici di appartenenza. La Sottocommissione dichiara di non avere nulla in contrario, ed anzi aderisce cortesemente a rilasciare al Ministero per il Comando della Regione 3 una lettera in cui si prega di facilitare il prelievo e possibilmente il trasporto di tali mobili.

Viene infine consegnata per conoscenza alla Sottocommissione copia di una lettera indirizzata al Comando della Regione 3 in risposta alla richiesta fatta al Ministero di regolarizzare formalmente la nomina da parte delle Autorità Alleate del Dott.Bonomi a Direttore Regionale delle Prigioni di Napoli, Benevento ed Avellino. Si spiega che tale qualifica non esiste nell'ordinamento in atto e che il Bonomi è proceduto in graduatoria da altri 24 funzionari per la promozione al grado superiore. Poichè rite-

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nuto utile e necessario dagli Alleati, il Bonomi potrà continuare a svolgere i compiti attualmente affidatigli, e dei quali sarà tenuto il debito conto, ma non è possibile al Ministero accedere alla richiesta per le ragioni su esposte e per rispetto ad un principio di equanimità verso tutti gli altri colleghi del Bonomi nei riguardi della promozione.

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N.B. agreed to. Ministerial Decree to be prepared to this effect.

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RELAZIONE DELL'IMPORTO DEL 22-2-1946

Presenti: Per il Ministero di Grazia e Giustizia Comm.Spinelli; Ten.Giulii (interprete).
Per la Commissione Alleata di Controllo Maggiore Hannaford.

In merito alla disciplina degli esami per l'esercizio della professione di procuratore, indetti in Sicilia, la Discussione verte sui seguenti due punti:
a) limitazione dei posti;
b) materie di esame di carattere fascista.

Riguardo al punto a) viene precisato che la limitazione del numero dei posti, prevista dalle disposizioni italiane ed invece abolita dagli Alleati con l'ordinanza n.12, non assume di grande importanza sia perchè esso non si applica per recente decreto agli esaminandi che abbiano prestato servizio militare in zona di operazioni, sia perchè gli esami indetti si riferiscono alla quota della vacanze per il 1943, mentre i prossimi esami per la quota del 1944 saranno regolati dalla legge in preparazione che riguarda la riorganizzazione di tutto l'ordinamento forense e tratta quindi anche della limitazione dei posti che sarà diversamente prevista. Comunque, per allargare le possibilità dei concorrenti ai prossimi esami viene concordata l'opportunità di emanare un decreto che, a modifica di quello già in vigore nei riguardi dei candidati che hanno prestato servizio militare in zona di operazioni, faccia beneficiare del disposto di tale decreto tutti i praticanti che durante la guerra abbiano prestato servizio militare almeno per un anno.

Riguardo al punto b), si prende in via confidenziale al Maggiore Hannaford sentire allo studio un programma di revisione totale di tutta la legislazione emanata dal 1922 al 1943 per cancellarla di tutto quanto vi sia in essa di carattere fascista. Tale revisione includerà naturalmente anche nelle materie di esami per l'esercizio della professione forense. Nel frattempo si provvederà o fare in modo che gli esami di prossima sessione vertano unicamente sulle materie fondamentali del Diritto Italiano prescindendo da quanto di politico il fascismo vi aveva aggiunto.

Comunque, infine, poichè il Maggiore Hannaford fa notare che all'applicazione in Sicilia e a Ostuni del decreto 15 dicembre 1943 si oppone il fatto che in esso decreto viene citata la legge 27 novembre 1933 che gli Alleati, con l'ordinanza n.12, hanno dichiarato abrogata, si decide d'accordo di proporre un decreto il quale stabilisca che alle sessioni di esami indette dalle sedi di Catania, Messina, Palermo e Ostuni si applichino le disposizioni di cui all'ordinanza n.12 emanata dal governo Alleato il 25-10-1943, ferma restando le limitazioni di posti di cui al decreto istitutivo delle sessioni di esame stesso.

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Con l'occasione viene chiesto al Maggiore Hammford che cosa gli risulti abbiano deciso circa gli esami a procuratore della Corte di Appello di Napoli e conseguentemente di Potenza. Il Maggiore Hammford precisa che saranno indetti prossimamente, servendosi sempre per la pubblicazione dei bandi della nostra Gazzetta Ufficiale quando in essa saranno inserite le nuove norme regolatrici di tale materia.

Il Maggiore Hammford fa presente che la sottocommissione legale, esaminato il decreto emanato dal Governo Italiano in merito al regolamento della sospensione dei termini di prescrizione e decadenza, l'ha trovato di suo pieno gradimento sia in vista della completezza con la quale il decreto risolve l'argomento, sia intenzione di pubblicarlo con la debita vigore anche nei territori controllati, a completamento dell'ordinanza emanata in proposito dell'A.M.G.-

---

Si dà notizia al Maggiore Hammford dell'esito del processo a carico del Gastaldello, il quale è stato condannato a sei anni di reclusione.

Viene comunicato al Maggiore Hammford che il Ministero, in relazione a quanto concordato nel precedente incontro con la sottocommissione Legale, ha iniziato l'indagine circa l'opportunità di riportare a Salerno la Sezione del Tribunale distaccata a Villa della Lucania se essa non risponde ad effettive esigenze locali.

Si fa quindi presente al Maggiore Hammford la necessità di trasferire a Salerno una sezione della Corte di Appello di Napoli che abbia giurisdizione sui territori della Campania restituiti all'Amministrazione Italiana, allo scopo di ovviare l'inconveniente in atto costituito dal fatto che poichè Napoli è tuttora sotto il controllo Alleato, il Tribunale della provincia di Salerno, alle dipendenze del Governo Italiano, non ha una Corte di Appello a cui far capo.

Il Maggiore Hammford si dichiara d'accordo sulla necessità del provvedimento, che pertanto avrà il benestare delle Autorità Alleate.

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Viene sottolineato al Maggiore Hammford la necessità di poter utilizzare, per la compilazione della lista dei magistrati per Roma, anche quelli appartenenti a sedi dell'Italia occupata ed attualmente applicati ad uffici giudiziari nel territorio controllato. Ciò per aumentare la massa disponibile, mentre gli uffici stessi non ne risentirebbero danno alcuno essendo i predetti magistrati per la maggioranza dei casi applicati in soprannumero.

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Il Maggiore Hannaford conferma al riguardo l'accordo già espresso dalla Sottocommissione nel precedente incontro.

Si prega il Maggiore Hannaford di fare cortesemente pervenire al Consigliere di Ambasciata Fenzulio in Benevento un telegramma invitandolo a raggiungere subito il Ministero.

Poiché è pervenuta notizia al Ministero che le Autorità Alleate hanno confermato nel loro ufficio i Vice Pretori, in blocco, per un ulteriore periodo di tre anni, si fa notare come il Ministero invece procede a queste conferme unicamente per periodi di pochi mesi, eventualmente rinnovabili, onde non impegnarsi in relazione al processo di revisione politica in corso per tali incarichi. Sarebbe opportuno che anche le Autorità Alleate adottassero un tale sistema ed evitare così il Ministero dovesse poi in seguito alle risultanze delle indagini ai rimuovere dagli incarichi dei Vice Pretori che gli Alleati avessero precedentemente confermato per il periodo di tre anni. Il Maggiore Hannaford conviene sulla opportunità di una tale procedura ed assicura che saranno richiamati sotto tale aspetto anche quei provvedimenti già adottati dalle Autorità locali.

Si dà notizia delle risposte finora pervenute da alcune Prefetture in relazione alla richiesta sull'applicazione della legge di P.S. agli stranieri. Il Maggiore Hannaford prega di trasmettere i dati quando tutti gli enti interpellati avranno dato esito alla richiesta.

Viene trasmessa copia di una lettera del Ministero della Guerra con la notizia della detenzione per 45 giorni presso le Carceri di Brindisi di un militare, immesso nella prigione senza biglietto di carcerazione. Si riceve al riguardo assicurazione circa una indagine sul caso segnalato con riserva di farne conoscere l'esito.

In relazione ad una richiesta pervenuta dalla Sottocommissione legale perchè alcuni civili italiani, arrestati da Autorità Alleate per furti a danno degli Alleati stessi, siano giudicati dai nostri Tribunali con speditezza ed esemplare rigore, si fa notare che, a parte il caso specifico che rientra a data anteriore, il decreto n.31 emanato l'11-2-1944 dal Governo Italiano su richiesta degli Alleati

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stabilisce fra l'altro che "Chiunque entro il territorio italiano libera-
mente compia atti ostili o delitti contro il patrimonio in danno delle Forze
Militari Alleate e dei membri di esse o dei funzionari rappresentanti od
agenti delle Nazioni Unite, ... sarà passibile delle pene pre-
viste dalle leggi penali italiane e sarà giudicato dai Tribunali Militari
Alleati secondo la propria procedura".

La formulazione del decreto è tale che vengono a ricadere sotto la giurisdizione dei Tribunali Militari Alleati tutti i delitti commessi a danno degli Alleati stessi, anche quelli di minima entità quali piccoli furti etc.- Ciò porterebbe detti Tribunali a doversi occupare di minusie che probabilmente ingenererebbero ad essi intralcio nel loro ordinario lavoro, e non si sa se effettivamente era desiderio degli Alleati di riservarsi la giurisdizione su tali casi di importanza relativa.

Si prega pertanto il Maggiore Mannaford di portare l'attenzione della Sottocommissione Legale su tale argomento per vedere se non sia utile ed opportuno riservare ai Tribunali civili la trattazione dei diritti patrimoniali connessi a danno degli Alleati, salvo il diritto di evocare ai Tribunali Militari Alleati determinati casi di particolare importanza.

4013/3

MINUTES OF MEETING

Date: 22 Feb. 1944.

Place: Palace of Justice, Office of the Legal Subcommission.

Present: Col. G.R. Upjohn
Lt. Col. H.H. Wilmer
Major G.G. Hanneford -----for Legal Subcommission
Major E. Palmieri
Major A.R. Theckreh
Sgt E. Stein

H.E. E. Cesati, Minister of Justice
Comm. Spinelli ------for the Italian Ministry
Lt. Ciulli

Meeting opened at 1530.

1. Property Control Draft Decree.

Agreed that discussion on this subject will be held sometime this week.

2. List of Judicial Officials for Rome.

Comm. Spinelli declares that about 330 magistrates will be needed for the Roman courts; a circular was sent out ordering a survey of magistrates who escaped from Rome in the liberated teritory. Col. Upjohn remarks that the list should be available on short notice. Comm. Spinelli thinks that in the worst case a certain percentage ~~thirx~~ of officials would have to be withdrawn from all courts of liberated territory to serve temporarily in Rome.

3. Gazzetta Ufficiale. Number of copies needed for AMG territory.

Comm. Spinelli estimates that about 200 copies are needed for each Province. Since 5 Provinces are at present under AMG control the total requirement will amount to 1000 issues. 3000 copies of each issue are being printed at present. Beginning with No. 9 a blank space will be left on the last page of each copy for the republication purposes as previously agreed.

4. Prosecutions in Italian Courts of persons who failed to turn in copper utensils, wool, etc. under R.D. 13.12.1939 No. 1805, Decreto Ministeriale 19.4.1941 etc.

Comm. Spinelli points out that the duty to surrender certain material under the above laws arises only if when a specific call fixing the date of delivery is issued. No such calls are being issued at present and the prosecutions must be based on violations of duties established by calls issued in the past. Thus even an immediate repeal of the said laws would not stop the prosecutions because it would not operate retroactively. Amnesties would be the only means to quash the prosecution definitely. Col. emphasizes that the Subcommission merely tries to alleviate the congestion of the Courts in Campobasso Province caused by the prosecutions. After some discussion it

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Major G.G. Hannaford -----for Legal Subcommission
Major E. Palmieri
Major A.R. Theckrah
Sgt E. Stein

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5. Appointment of Sig. Cuomo to the office of First President, Court of Appeal, Naples; Appointment of Sig. Libonatti to the office of Procuratore Generale at the same court.

The Minister expresses the wish of the Council of Ministers to maintain the status quo at Naples on the ground that there is no suitable opening for the

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present Procuratore General Minervini. However, the Government wishes to reserve the right to retire the above magistrates at Naples as soon as they reach the age limits. Col. Upjohn replies that an agreement will surely be reached when the question comes up.

6. Arrest and trial of Italians in Taranto. Replacement of DePeolo, Procuratore of Taranto.

The Minister requests that the Subcommission transmit to him a list of names and offences in the above matter; an order has been issued already to give precedence to this type of cases on the dockets of the courts. The new Procuratore del Re of Taranto was scheduled to arrive yesterday.

7. Reggio Court of Appeal.

Attention of the Minister is focused to the local difficulties of the Court and the Minister gives an assurance to undertake a study of the problem.

8. Examinations of Notaries and Procuratori Legali.

Agreed that Comm. Spinelli and Major Hennaford will meet tomorrow morning and compare the Decree issued by the Italian Government on this subject with General Order 12. A Ministerial decree will then be drafted which will coordinate the two provisions.

9. Extension of the train service from Barletta to Trani.

Col. Upjohn informs the Minister that all requests for civilian RR transportation must be made through the Italian Government (Gen. Raimondo).

10. Courts of Foggia and Lucera.

Major Hennaford informs the Minister that the Court of Appeal Section at Lucera should be opened on 1 April 1944. Comm. Spinelli reports that a strong group of local interests demands that the Tribunale of Lucera be transferred to San Severo or Cerignola because of better Railway connection or that this Tribunale be transferred altogether. Agreed that an investigation of this request will be made.

11. Avv. Stefano Macchiaroli.

The Minister states with great emphasis his conviction that the above man about to be tried in an Allied Military Court of Salerno Province has always been an anti-fascist; the Minister doubts that the defendant if tried would be found guilty and requests that he be surrendered for trial in an Italian court. Major Palmieri reports that the case is being investigated by him and that there will probably be no trial at all.

12. Section of Tribunale at Valle di Lucania.

Comm. Spinelli explains that in his view the majority of population concerned is against this section abolished by fascists and reopened by AMG 2 weeks ago. Agreed that the Ministry will undertake a local investigation and report the results.

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13. Notarial Archive at Salerno.

Comm. Spinelli presents a memorandum.

14. Castagnaro Salvatore, saboteur.
Trial was to be held on Feb. 18 & 19. The result is not yet known.

15. Vacated AMG Offices.
The Ministry requests advance notice of any evacuation of judicial offices used by AMG so that thefts of furniture etc. could be prevented.

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[illegible] of Defense. The United Military Assistance

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AGENDA FOR THE MEETING ON MONDAY 22 FEBRUARY 44.

1. Property Control. Make appointment for Wednesday or Thursday.

2. Comm. Spinelli please present a list of judicial officers for Rome as discussed before.

3. How many copies of Gazzetta Ufficiale will be needed for distribution in A.M.G. territory.

R.D. Dec 43.

4. R.D. 13.12.1939 No. 1805 - 8Decreto Ministeriale 19.4.1941.

Italian courts are still prosecuting persons for failure to turn in copper utensils, wool, etc. under the above decrees. Do you think it advisable to continue such prosecutions?

5. Appointment of Cuomo to Presidency of Court of Appeal, NAPLES. Final agreement.

6. Arrest and trial of Italians in 52 Area.

7. Replacement of De Paolo, Procuratore, TARANTO.

8. REGGIO Court of Appeal.

9. Examination of Notaries and Advocates. Final Agreement.

10. Train extension to TRANI.

11. Judge Galbiati to replace Straniero at Lucera

12. Court of Appeal Section, Lucera. Opening date

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8. REGGIO Court of Appeal.

9. Examination of Notaries and Advocates. Final Agreement.

10. Train extension to TRANI.

11. Judge Galbiati to replace Straniero at Lucera

12. Court of Appeal Section, Lucera, Opening date 1 April 1944.

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The Italian members point out that the proposal against which there does not seem to be any objection will be communicated to H.E. the Minister; it is added that a group of provisions concerning the forensic organization is just now being studied; such provisions would eliminate from the organization all remnants of the fascism which has effected it in the past.

An analogous suggestion is advanced by the Subcommission in regard to the Committee established by the Allies in Sicily with the function to propose appointments of judicial functionaries and magistrates of lower grade.

The Subcommission thinks that although Sicily has been restored to the Italian administration it is advisable that the Committee complete their work planned for their meeting on the 26 of Feb. and that they transmit the results to the Ministry in a form of proposals; thereafter it will cease functioning.

Reference the opinion expressed by the Subcommission that it is necessary to maintain Cons. LIBONATI in his office of the First President of the Court of Appeal of Naples, and that it is advisable not to assume for the moment any obligation as to the date on which E. Cuomo would be transferred to this office; a solution is suggested to the Subcommission according to which E.P. Cuomo would be appointed First President whereas Cons. Libonati would be appointed Procurator General so that the services of the latter would be secured for handling the numerous penal cases which are at present pending and to which the Allies attribute great importance.

Having referred the decision on this matter to Col. Upjohn the Subcommission manifested the acceptance of this solution, reserving however, as a matter of courtesy, the right to obtain the consent of the Allied legal authorities.

Salerno - 17 Feb. 44.

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An analogous suggestion is advanced by the Administration in [illegible]

Committee established by the Administration to study with the function to provide coordinate and administer of judicial functions and activities of lower grade.

The subcommittee cannot have broad control through strictly an Administrative committee which the Committee exercises over the [illegible] of the Committee.

For the committee to [illegible]

The subcommittee [illegible]

Conclusion.

Salvato - 17 Feb. 74.

File 14A

RELAZIONE DELL'INCONTRO DEL 17/2/1944

P R E S E N T I

PER IL MINISTERO DI GRAZIA E GIUSTIZIA :

Comm. SPINELLI , Ten. CINELLI (Interprete)

PER LA COMMISSIONE ALLEATA DI CONTROLLO

Maggiore HANFORD, Maggiore THACKRAH, Serg. STEIN (Interprete)

In via del tutto ufficiosa e con esplicita riserva di avere l'approvazione di S. E. il Ministro il Comm. SPINELLI legge alla Sottocommissione Legale uno schema di massima relativo alla disciplina della figura giuridica ed attività del "custode dei beni".

Tale schema, basato essenzialmente sulle norme che riguardano l'amministrazione fatta dal tutore nell'interesse del minore viene considerato dai membri del Legal Office come una buona base per la redazione di quello che dovrà essere il testo di legge definitivo. Viene suggerita la necessità di provvedere a termini di legge al passaggio dell'amministrazione dei beni alleati dagli attuali enti e persone sequestratari al custode dei beni ed al riguardo si considera soddisfacente l'aggiunta allo schema suddetto di una norma transitoria per tale passaggio.

La Sottocommissione chiede di poter sottoporre il testo, prima di iniziare la discussione per la sua definitiva relazione, al già esistente "custode dei beni"; si resta d'accordo che, una volta avuto l'accordo del Ministro sul detto schema, il Comm. SPINELLI rimetterà senz'altro il testo testè letto.

La So

La Sottocommissione prega quindi di far tenere, per l'inoltro negli Stati Uniti ed Inghilterra, un curriculum vitae di S. E. CASATI.

Circa la divulgazione della Gazzetta Ufficiale nei territori ancora controllati con l'indicazione in essa dei decreti che le Autorità Alleate desiderano abbiano immediato vigore anche nei territori italiani sottoposti alla A.M.G., il Comitato, nominato nella precedente seduta nelle persone del Maggiore THACKRAH e Comm. SPINELLI, decide che il sistema migliore da adottare sia il seguente :

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distributed in King's Italy and 3000 will be sent in to the restored territory. Additional 3000 copies will be necessary for the unrestored territory.

3. Letters of the Legal Subcommission handed over to Comm. Spinelli. Some documents sent to the Legal Subcommission by the Ministry are returned for further transmittal.

4. Next Meeting: Thursday 17 Feb.

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[illegible] Prefecture, [illegible].

Dated [illegible] January 1944.

Present: Major [illegible]
Major [illegible]
[illegible]

Undersecretary [illegible]
Comm. [illegible]
Judge [illegible]
Interpreter

Meeting opened at 1045.

1. Draft Order on Transactions in lands and buildings.

A copy handed to the Undersec.

2. Italian Legislation on sabotage and pilferage.

A letter handed over to the Undersec. asking for information on this point.

3. Pellicero Francesco.

The application filed by the wife of Pellicero and transmitted to us by the Ministry is returned with the statement that Pellicero was arrested as a dangerous fascist and is interned in a P.A. camp.

4. Registration of foreigners.

The Undersec. produces a copy of a circular whereby he is requesting information from the police authorities on the enforcement of the registration laws.

5. Requisition of the premises of Pretura di Modugno.

Major Thackrah stated that he telephoned the military authorities [illegible] who promised immediate investigation.

6. Damage to the Tribunale A Corte di Assise di Lucera.

The Undersec. complains that it will cost the Comune of Lucera 700,000 lire to refurnish the judicial offices.

7. Taranto Thefts.

Major Thackrah points out that although remedy was promised long ago and the jail for civilians is ready, the situation has not changed; according to our information the Procurator of Taranto has an unacceptable past. [illegible] sec. announces that a new Procurators was ordered to Taranto. It is [illegible] former Procurators of Brindisi. Maj. Thackrah thinks that a new [illegible] should be [illegible]

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Judge Testi
Interpreter

Meeting opened at 1945.

1. Draft order on Transactions in lands and buildings.

Copy handed to the Undersec.

2. Italian legislation on sabotage and pilferage.

A letter handed over to the Undersec. asking for information on this point.

3. Bellicero Francesco.

The [illegible] filed by the wife of Bellicero and transmitted to us by the Ministry is returned with the statement that Bellicero has [illegible] to a dangerous fascist and is interned in a [illegible] Camp.

4. Registration of foreigners.

The Undersec. produces a copy of a circular whereby he is requesting information from the police authorities on the enforcement of the registration laws.

5. Requisition of the premises of [illegible].

Major Theobrah stated that he telephoned the military authorities [illegible] who promised immediate investigation.

6. Damage to the Tribunale A Sezione di Assise di Lecce.

The Undersec. complains that it will cost the Comune of Lecce 700, [illegible] like to refurnish the judicial offices.

7. Taranto Thefts.

Major Theobrah points out that although remedy was promised long ago and the jail for civilians is ready, the situation has not changed; according to our information the Procurator of Taranto has an unacceptable past. [illegible] sec. announces that a new Procuratore was ordered to Taranto. It is [illegible] former Procuratore of Brindisi. Maj. Theobrah thinks that a new [illegible] should be appointed at Taranto and the Undersec. refers him to the [illegible] of Interior. (Maj. [illegible] excused himself to see Undersec. [illegible] matter who promised to investigate the Questore of Taranto at [illegible]

8. Transfers of Officials.

Comm. Spinelli emphasizes that it is imperative for the [illegible] able to suggest disciplinary transfers in occupied territory. [illegible] such transfers are often of such a delicate character that [illegible] in detail. Maj. Theobrah answers that as stated at previous [illegible] port difficulties and danger of suspension of work necessarily transfer render it impossible to allow transfers in military

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13. Correspondence for transmittal returned to the Ministry. (Proceeds of transfers, see last filed [illegible]).

14. Sales of judicial officials of Salerno and copy of a report on the state of [illegible] at Salerno handed over to Com. Spinelli.

15. Most [illegible], [illegible] [illegible], [illegible] at [illegible], [illegible].

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10. [illegible] Control.

[illegible] to impose a decree; [illegible] to [illegible] be given [illegible] of a golden [illegible] for the second convention; the necessary law would be enacted and enacted as soon as [illegible] ...ted. [illegible] ...ted.

11. [illegible] transactions block.

[illegible] and transactions block [illegible] ...ted.

12. [illegible] ...ation, Greece.

[illegible] ...fication [illegible] ...tion-ing. [illegible] ...ation.

13. [illegible] ...ecord [illegible] ...ights to Spain.

[illegible] ...ld to be [illegible] ...ssible. [illegible] ...ment of [illegible] ...ish citizens [illegible] ...ecree, on the other hand, [illegible] ...ish citizens [illegible] ...ecree, [illegible] ...ish citizens [illegible] ...ecree. [illegible] ...ecree [illegible] ...ecree [illegible] ...ecree

and a [illegible] which [illegible] where the order has already been published.

12. Court of Appeal Section, Lecce.

[illegible] of the draft decree [illegible] draft is handed to us with request for [illegible] on which [illegible] we wish [illegible] Section-ing. [illegible] ation.

13. [illegible]

[illegible] of the decree [illegible] of [illegible] Such [illegible] of [illegible] ding, [illegible] in relation to Jewish officials [illegible] refused [illegible] the Jewish course in [illegible].

14. Transmittal of [illegible].

[illegible] are handed over to Comm. Spinelli.

15. Transfer of Officials.

The content of Maj. [illegible] Comm. Spinelli (see [illegible] last Wednesday to take the place of Judge Centile who is now [illegible] at Lecce. Luigi Rocco who is at present at Lecce will go to Potenza shortly to assume the office of President of the Court of Appeal Section. [illegible] will be sent to Potenza to preside over the Court of [illegible].

Comm. Spinelli presents a copy of a letter from [illegible] to all Ministries on relations between Italian and Allied authorities in Allied [illegible]. Major Thackrah promises to study the letter.

Meeting adjourned 1230.

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MINUTES OF MEETING after Executive Board

FACTS CONCERNING COUNTS OF A FINAL SECTION OF COURTS OF ASSIZE OF FOGGIA (AOCA).

2

24 Nov. 43, para 4(b)(i).

The occupied Province of Foggia has no Corte d'Appello and the appeals from its courts would have to go to the Court in the unoccupied territory. The government is therefore thinking of establishing a section of a Court of Appeal at Foggia. The Allied view is requested.

26 Nov. 43, para 4.(evening).

In regard to the 3 Communes of the Province of Bari at present included in the occupied territory and in regard to the establishment of the Court of Appeal at Foggia all steps will be taken by the Legal Subcommission to obtain a favorable ruling from the Allied Military Government.

2 Dec. 43, para 10.

Minister reports to wish ofthe Cabinet and the Marshal to set up the above mentioned section. Agreed to delay the matter until the extent of evacuation of Foggia is known.

23 Dec. 43, para 12.

The draft decree for the new Court of Assize at Foggia will be ready today and sent to us. It should be coupled with a decree setting up a court of Appeal Section at Foggia as discussed in previous meetings, the personnel of which would also serve at Assizes.

3 Jan. 44, para 4.

(a) The Undersecy fully agrees that the section be set up at Lucera instead of at Foggia.

(b) He states that the Ministry would provide necessary personnel but would appreciate if the judges and other personnel could commute from Bari. There is a "Littorina" going daily from Bari to Foggia and could be prolonged to Lucera on the days of the hearings.

(c) Agreed that we will recommend to Maj. Howe that only appeals filed after 30 Sept. 1943 will be dealt with at Lucera.

(d) Some minor changes in the Italian draft decree will be suggested by us to the Undersecy after a further discussion with Maj. Howe. (Appeals from Magistrature di Lavoro, DCCA instead of CCA, etc.).

10 Jan. 44, para 1.

The following have been suggested as personnel for temporary Section of Court of Appeal of Lucera:

Pres: Consigliere di Cassazione Uff. Chieffo, Raffaele.
Av. Geni: Ruggiero, Ruggeri
Consigliere: Cicerelli, Aquila
presso Foggia
D'Errerio - Corte d Bari
Francoville, Fr." " "
Tomassi, Giustino " "

19 Jan. 44, para 2.

Mr. Masi wishes that an assurance be given by us that the composition

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in the occupied territory and in regard to [illegible] Appeal at Foggia all steps will be taken by the Legal Subcommission to obtain a favorable ruling from the Allied Military Government.

2 Dec. 43, para 10.
Minister reports to wish of the Cabinet and the Marshal to set up the above mentioned section. Agreed to delay the matter until the extent of evacuation of Foggia is known.

23 Dec. 43, para 12.
The draft decree for the new Court of Assize at Foggia will be ready today and sent to us. It should be coupled with a decree setting up a court of Appeal Section at Foggia as discussed in previous meetings, the personnel of which would also serve at Assizes.

8 Jan. 44, para 4.
(a) The Undersecy fully agrees that the section be set up at Lucera instead of at Foggia.
(b) He states that the Ministry would provide necessary personnel but would appreciate if the judges and other personnel could commute from Bari. There is a "Littorina" going daily from Bari to Foggia and could be prolonged to Lucera on the days of the hearings.
(c) Agreed that we will recommend to Maj. Howe that only appeals filed after 30 Sept. 1943 will be dealt with at Lucera.
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Consigliere: Ciccarelli, Acadia
presso Foggia
D'Erario - Cons. a Bari
Francovilla, Fr. " "
Tomassi, Ginutino " "

19 Jan. 44, para 2.
Mr. Masi wishes that an assurance be given by us that the composition of the Court will be in strict conformance with the Italian law so as to avoid the errors which occurred at the Court of Assizes at Potenza. Col. Upjohn answers that our only interest is to exclude fascist assessors. Mr. Masi points out that under the present law and in view of the war conditions he could not select the required 5 anti-fascist assessors from the lists. Comm. Spinelli suggests that AMG issue an order replacing temporarily the assessors by learned judges. Col. Upjohn answers that the Allies will not take initiative in eliminating the lay element from the Courts and that if the Italian Government passes a law on this subject in free Italy we shall republish it in the occupied territory, including Foggia. The Undersecy estimates that it would take one month to prepare and pass such law. Col. Upjohn further suggests that

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an AMG Order could vest the President of the Court of Assizes at Foggia with the power to add new names to the lists of assessors. Mr. Neal reports that "this would be contrary to Italian Law"; on the other hand if the Court should work on the basis of old lists, the assessors (if any can be found in the area) will be fascist. Col. Upjohn again points out that the easiest way out would be if the Italian ~~Judges~~ Government would pass the law replacing the assessors by learned judges which law could be republished in occupied territory. The Undersecy thinks that the Government cannot afford to act hastily on this subject and would have to hear opinions of the Presidents of Courts of Appeal. The Bari president already presented his opinion agreeing with the proposed Reform Act, but pleading to delay due to the extraordinary times. The Minister adds that the Courts of Assizes at Bari, Trani and Lecce are working satisfactorily with old assessors. Col. Upjohn emphasizes that the same reasons which motivate the Italian Government to act with caution on the reform, make the Allies take a hands off stand; he also suggests that since the above mentioned Courts of Assize work reasonably well with old assessors, the Foggia-Lucera Court of Assizes should follow their lead.

Agreed: that the Foggia Court will be held with assessors selected from the old lists in strict compliance with Italian law. There are 15 cases to be dealt with. The 1st session will be held from 21 Feb. to 24 March, the 2nd from 19 April to 17 May. Mth. The transportation will be provided by the local authorities at Lucera.

25 Jan. 44, para 6.

The Undersec. complains that it will cost the Comune of Lucera 700,000 lire to refurnish the judicial offices. (Damage to the Tribunale & Corte di Assize di Lucera).

31 Jan. 44, para 12.

(Court of Appeal Section, Lucera). A copy of the draft decree establishing this court is handed to us with request for communication on which date we wish that the court commence functioning. Major Thackrah promises to look over the decree and procure the communication.

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Agreed: that the Foggia Court also be held with assessors selected from the old lists in strict compliance with Italian law. There are 15 cases to be dealt with. The 1st session will be held from 21 Feb. to 24 March, the 2nd from 19 April to 17 May. 44A. The transportation will be provided by the local authorities at Lucera.

29 Jan. 44, para 6.

The Undersec. complains that it will cost the Comune of Lucera 700,000 lire to refurnish the judicial offices. (Change to the Tribunale & Corte di Assize di Lucera).

31 Jan. 44, para 12.

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