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CONSOLIDATION OF PROCLAMATIONS  
MAR. - JULY 1944

(DRAFT)

Proclamation No. \_\_\_\_\_

~~ALLIED MILITARY COURTS~~

Whereas \_\_\_\_\_

## ARTICLE VII

## CREATION OF ALLIED MILITARY COURTS

*for the term of the law of the territory*  
 Allied Military Courts are hereby established ~~for the term of the law of the territory~~.

Such courts shall be competent to try all offenses within the jurisdiction of the Military Governor and shall consist of *including death*

- (1) General Military Courts having power to impose any lawful punishment;
- (2) Superior Military Courts having power to impose any lawful punishment other than death or imprisonment for more than 10 years;
- (3) Summary Military Courts having power to impose any lawful punishment other than death, imprisonment for more than <sup>6</sup>one year or a fine of more than 50,000 lire or both such imprisonment and fine.

## ARTICLE VIII

## JURISDICTION

*allied military courts*  
 The jurisdiction of the Military Governor extends over

*(1) the whole of the territory occupied by the allied forces only as regards each part of the territory, from the time at which that*

the Military Governor and shall consist of

- (1) General Military Courts having power to impose any lawful punishment;
- (2) Superior Military Courts having power to impose any lawful punishment other than death or imprisonment for more than 10 years;
- (3) Summary Military Courts having power to impose any lawful punishment other than death, imprisonment for more than one year or a fine of more than 50,000 lire or both such imprisonment and fine.

#### ARTICLE XII

##### JURISDICTION

*Allied Military Courts*

The jurisdiction of the Military Governor extends over

~~(1) the whole of the territory occupied by the Allied Forces and, as regards each part of the territory, from the time at which that part was first occupied;~~

1 ~~(a)~~ all persons ~~in the territory~~ except (a) members of the Allied Forces and (b) prisoners of war or persons treated as such;

2 ~~(b)~~ all offenses (a) against the laws and usages of war, (b) under any proclamation, order or regulation issued under the authority of the Allied Military Government, (c) against Italian law.

~~Article 2~~ (2) Where any person is convicted of <sup>the</sup> wrongful use, sale, purchase  
or possession of an <sup>property including money</sup> article, an Allied Military Court, in lieu of or in  
addition to any other punishment, may order <sup>Confiscation, forfeiture</sup> restitution or compensation

Art IX  
to the owner or the forfeiture of such article to the Allied Military Government.

(3) When any person is convicted of an offense involving the improper use of any place of residence or of business, an Allied Military Court, in lieu of or in addition to any other punishment, may order that such place be vacated or closed for a period of time to be fixed by the court.

(4) In lieu of or in addition to any other punishment, an Allied Military Court may order that a convicted person (a) shall reside in a particular area, or (b) shall be excluded from a particular area.

1991

Declassified E.O. 12356 Section 3.3/NND No. 1785216

Allied Military Government

# **PROCLAMA**

Governo Militare Alleato

# **PROCLAMA**

Allied Military Courts

WHEREAS by Proclamation No. 1, I assumed all powers of government over the territory of Sicily and adjacent islands occupied by the Allied Forces under my command, and  
WHEREAS by Proclamation No. 2, I established offenses to be tried by Military Courts and prescribed punishments therefor,

1992

Declassified E.O. 12356 Section 3.3/NND No. 17552 16

ry Government of Occupied Territory

**AMMATION No. 4**

itare Alleato del Territorio Occupato

**AMA Numero 4**

(TRADUZIONE)

Courts

**Tribunali Militari Al**

the territory of Sicily and adja-  
command, and  
Military Courts and prescribed

VISTO il Proclama No. 1; col quale assunti tutti i poteri del governo sul territo  
Dipendenti occupate dalle Forze Alleate sotto il mio comando,  
VISTO il Proclama No. 2; col cui determinai i reati di competenza dei Tribuna  
le relative pene,

**Occupied Territory**

**ON No. 4**

**Territorio Occupato**

**Numero 4**

**(TRADUZIONE)**

**Tribunali Militari Alleati**

O il Proclama No. 1; col quale assunti tutti i poteri del governo sul territorio della Sicilia ed Isole Dipendenti occupate dalle Forze Alleate sotto il mio comando, e  
O il Proclama No. 2; col cui determinai i reati di competenza dei Tribunali Militari e prescissi  
ative pene,

ishments therefor,

NOW, therefore, in order to establish Military Courts for the trial of offenders against the proclamation and orders issued under the authority of the Allied Military Government, I, Harold R. L. G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and adjacent islands and Military Governor of the occupied territory, hereby proclaim as follows:

## Article I

### CREATION OF ALLIED MILITARY COURTS

Allied Military Courts for the occupied territory are hereby established. There shall be General Military Courts, Superior Military Courts and Summary Military Courts, the constitution and competence of which shall be as set forth in Article III.

## Article II

### JURISDICTION

Section 1. Over Territory. — Jurisdiction of every Allied Military Court shall extend to the whole of the territory occupied by the Allied Forces, and as regards each part of the territory, from the time at which that part was first occupied.

Section 2. Over Persons. — Jurisdiction of every Allied Military Court shall extend to all persons in the territory except (a) members of the Allied Forces; and (b) persons who are treated as prisoners of war under the Geneva Convention of July 27, 1929.

Section 3. Over Offenses. — Allied Military Courts shall have jurisdiction over:

- (a) All offenses against the laws and usages of war;
- (b) All offenses under any proclamation, order or regulation issued under the authority of the Allied Military Government;
- (c) Any offense under the Italian Penal Code, or under the Ordinances of any commune, provided the Military Governor or an officer acting under his authority shall have ordered the trial of the case or class of cases by a Military Court.

## Article III

### CONSTITUTION OF ALLIED MILITARY COURT

Section 1. General Military Court. — A General Military Court shall consist of not less than three officers, at least one of whom shall be a Judicial Officer of the Allied Military Government. A General Military Court shall be competent to try all offenses within the jurisdiction of the Allied Military Courts, and to impose any lawful punishment.

Section 2. Superior Military Courts. — Superior Military Courts shall consist of one or more officers of the Allied Forces, at least one of whom shall be a Judicial Officer of the Allied Military Government if available. A Superior Military Court shall be competent to try all offenses within the jurisdiction of the Allied Military Courts and to impose any lawful punishment other than death or imprisonment for more than 10 years.

Section 3. Summary Military Courts. — Summary Military Courts shall consist of one officer who need not be a Judicial Officer but may be any officer of the Allied Military Government if available, or otherwise any officer of the Allied Forces. A Summary Military Court shall be competent to try all offenses within the jurisdiction of the Allied Military Courts other than offenses for which the maximum punishment is death, and to impose any lawful punishment except death or imprisonment for more than 1 year, or fine of more than 50,000 lire, or both such imprisonment and fine.

## Article IV

### PROCEDURE

Section 1. Public Sessions. — The proceedings of every Allied Military Court shall be public except when otherwise ordered by the Chief Civil Affairs Officer or the Court.

Section 2. Rights of Defendants. — Every defendant before an Allied Military Court is entitled:

- (a) To have in advance a copy of the charges upon which he is to be tried, if he so desires;
- (b) To consult a lawyer before the trial and have a lawyer or other representative of his own choosing.

le relative pene.

Al fine di COSTITUIRE Tribunali Militari per processare coloro che commettono reati contro i proclami e gli ordini emessi sotto l'autorità del Governo Militare Alleato, io, Harold R. L. G. Alexander, G.C.B., C.S.D.S.O., M.C. — Generale — Ufficiale COMANDANTE delle Forze Alleate in Sicilia ed Isole Dipendenti e Governatore Militare del Territorio Occupato, con il presente Proclama dispongo quanto segue: —

## Articolo I

### FORMAZIONE DI TRIBUNALI MILITARE ALLEATI

Con il presente Proclama vengono costituiti i Tribunali Militari Alleati del territorio occupato. Vi saranno Tribunali Militari Generali, Tribunali Militari Superiori e Tribunali Militari Inferiori. La loro costituzione e la loro competenza saranno stabilite dall'Articolo III.

## Articolo II

### GIURISDIZIONE

Sezione 1. Estensione territoriale. — La giurisdizione di ogni Tribunale Militare Alleato sarà estesa sull'intero territorio occupato dalle Forze Alleate, e per quanto riguarda qualsiasi parte del territorio dal momento in cui tale parte sia stata occupata.

Sezione 2. Estensione sulle Persone. — La giurisdizione di ogni Tribunale Militare Alleato si estenderà a tutte le persone che trovansi nel territorio con le sole eccezioni di:

- (a) militari delle Forze Alleate
- (b) persone che sono trattate come prigionieri di guerra secondo la Convenzione di Ginevra del 27 agosto 1929.

Sezione 3. Estensione sui reati. — I Tribunali Militari Alleati avranno giurisdizione su:

- (a) Tutti i reati commessi contro le leggi e gli usi di guerra;
- (b) Tutti i reati commessi contro qualsiasi proclama, ordine o regolamento emesso per autorità del Governo Militare Alleato;
- (c) Tutti i reati commessi contro le leggi del Codice Penale italiano, o contro le ordinanze di ogni Comune, purché il Governatore Militare, o un ufficiale che agisce sotto la sua autorità, abbia ordinato che il processo del caso, o dei gruppi di casi, sia trattato da un Tribunale Militare.

## Articolo III

### COSTITUZIONE DEI TRIBUNALI MILITARI ALLEATI

Sezione 1. Tribunali Militari Generali. — Un Tribunale Militare Generale sarà composto da almeno di tre ufficiali, dei quali almeno uno sarà un Ufficiale Giudizario del Governo Militare Alleato. Sarà competenza di un Tribunale Militare Generale di giudicare tutti i reati che cadono sotto la giurisdizione dei Tribunali Militari Alleati, e di imporre qualsiasi pena legale.

Sezione 2. Tribunali Militari Superiori. — I Tribunali Militari Superiori saranno composti da uno o più Ufficiali delle Forze Alleate, e di questi almeno uno dev'essere un Ufficiale Giudizario del Governo Militare Alleato, se disponibile.

Sarà competenza di un Tribunale Militare Superiore di giudicare tutti i reati che cadono sotto la giurisdizione dei Tribunali Militari Alleati, e di imporre qualsiasi pena legale ad eccezione della pena di morte o della reclusione per più di 10 anni.

Sezione 3. Tribunali Militari Inferiori. — I Tribunali Militari Inferiori consisteranno di un Ufficiale che non dev'essere necessariamente un Ufficiale Giudizario, ma può essere un Ufficiale del Governo Militare Alleato, se disponibile, o altrimenti qualsiasi ufficiale dalle Forze Alleate. Sarà la competenza del Tribunale Militare Inferiore di giudicare i reati che cadono sotto la giurisdizione dei Tribunali Militari Alleati con eccezione dei reati per i quali la massima pena è la condanna a morte, e di imporre qualsiasi pena legale eccetto la pena di morte o la reclusione per più di un'anno, o la multa superiore a 100 lire, o entrambi tali reclusione e multa.

## Articolo IV

### PROCEDURA

Sezione 1. Sedute Pubbliche. — I processi di tutti i Tribunali Militari Alleati saranno pubblici, salvo ordine contrario del Capo degli Affari Civili o del Tribunale stesso.

Sezione 2. Diritti degli Accusati. — Ogni accusato di fronte ad un Tribunale Militare ha diritto:

- (a) Di avere in anticipo una copia della requisitoria sotto la quale egli sarà processato, se egli così desidera;
- (b) Di consultare un avvocato prima del processo e di avere un avvocato od altro rappresentante scelto per la difesa durante il processo, eccetto quando il Capo Reparto della Giustizia o qualsiasi altro Ufficiale autorizzato di qualsiasi Tribunale. In tutti i casi, l'accusato avrà diritto di essere assistito da un interprete se non comprende la lingua usata nel processo.

...e pene.  
di COSTITUIRE Tribunali Militari per processare coloro che commettono reati contro i proclami  
emessi sotto l'autorità del Governo Militare Alleato, io, Harold R. L. G. Alexander, G.C.B., C.S.I.,  
M.C. — Generale — Ufficiale COMANDANTE delle Forze Alleate in Sicilia ed Isole Dipendenti  
Governatore Militare del Territorio Occupato, con il presente Proclama dispongo quanto segue: —

## Articolo I

### FORMAZIONE DI TRIBUNALI MILITARE ALLEATI

Il presente Proclama vengono costituiti i Tribunali Militari Alleati del territorio occupato. Vi saranno  
Tribunali Militari Generali, Tribunali Militari Superiori e Tribunali Militari Inferiori. La loro costituzione  
e la loro competenza saranno stabilite dall'Articolo III.

## Articolo II

### GIURISDIZIONE

1. Estensione territoriale. — La giurisdizione di ogni Tribunale Militare Alleato sarà es-  
tesa all'intero territorio occupato dalle Forze Alleate, e per quanto riguarda qualsiasi parte del territorio,  
dal momento in cui tale parte sia stata occupata.

2. Estensione sulle Persone. — La giurisdizione di ogni Tribunale Militare Alleato si esten-  
derà a tutte le persone che trovansi nel territorio con le sole eccezioni di:  
a) Ufficiali delle Forze Alleate  
b) Persone che sono trattate come prigionieri di guerra secondo la Convenzione di Ginevra del 27 Luglio,  
1929.

3. Estensione sui reati. — I Tribunali Militari Alleati avranno giurisdizione su:

- a) Tutti i reati commessi contro le leggi e gli usi di guerra;
- b) Tutti i reati commessi contro qualsiasi proclama, ordine o regolamento emesso per autorità del Go-  
verno Militare Alleato;
- c) Tutti i reati commessi contro le leggi del Codice Penale italiano, o contro le ordinanze di ogni Go-  
verno Militare Alleato, purché il Governatore Militare, o un ufficiale che agisce sotto la sua autorità, abbia ordinato  
che il processo del caso, o dei gruppi di casi, sia trattato da un Tribunale Militare.

## Articolo III

### COSTITUZIONE DEI TRIBUNALI MILITARI ALLEATI

1. Tribunali Militari Generali. — Un Tribunale Militare Generale sarà composto da non  
meno di tre ufficiali, dei quali almeno uno sarà un Ufficiale Giudiziario del Governo Militare Alleato. Sarà  
sotto la competenza di un Tribunale Militare Generale di giudicare tutti i reati che cadono sotto la giurisdizione  
dei Tribunali Militari Alleati, e di imporre qualsiasi pena legale.

2. Tribunali Militari Superiori. — I Tribunali Militari Superiori saranno composti da  
non meno di tre Ufficiali delle Forze Alleate, e di questi almeno uno dev'essere un Ufficiale Giudiziario del Go-  
verno Militare Alleato, se disponibile.  
Saranno sotto la competenza di un Tribunale Militare Superiore di giudicare tutti i reati che cadono sotto la giurisdizione  
dei Tribunali Militari Alleati, e di imporre qualsiasi pena legale ad eccezione della pena di morte o  
della reclusione per più di 10 anni.

3. Tribunali Militari Inferiori. — I Tribunali Militari Inferiori consisteranno di un uf-  
ficiale che non dev'essere necessariamente un Ufficiale Giudiziario, ma può essere un Ufficiale del Governo  
Militare Alleato, se disponibile, o altrimenti qualsiasi ufficiale dalle Forze Alleate. Sarà la competenza del  
Tribunale Militare Inferiore di giudicare i reati che cadono sotto la giurisdizione dei Tribunali Militari  
Alleati con eccezione dei reati per i quali la massima pena è la condanna a morte, e di imporre qualsiasi  
pena legale eccetto la pena di morte o la reclusione per più di un'anno, o la multa superiore a 50,000  
lire, o entrambi tali reclusione e multa.

## Articolo IV

### PROCEDURA

1. Sedute Pubbliche. — I processi di tutti i Tribunali Militari Alleati saranno pubblici, salvo  
ordine contrario del Capo degli Affari Civili o del Tribunale stesso.

2. Diritti degli Accusati. — Ogni accusato di fronte ad un Tribunale Militare ha diritto:  
a) Di avere in anticipo una copia della requisitoria sotto la quale egli sarà processato, se egli così desidera;  
b) Di consultare un avvocato prima del processo e di avere un avvocato od altro rappresentante di sua  
scelta per la difesa durante il processo, eccetto quando il Capo Reparto della Giustizia o qualsiasi Tribu-  
nale Militare non consenta la nomina di qualsiasi Tribunale. In tutti i pro-

1997

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Section 1. Public Sessions. — The proceedings of every Allied Military Court shall be public when otherwise ordered by the Chief Civil Affairs Officer or the Court.

Section 2. Rights of Defendants. — Every defendant before an Allied Military Court is entitled to:

- (a) To have in advance a copy of the charges upon which he is to be tried, if he so desires;
- (b) To consult a lawyer before the trial and have a lawyer or other representative of his own choose to defend him at the trial, except that the Chief Legal Officer or any Court may at any time prohibit any lawyer or other person from appearing in any Court. In any case before a General Military Court, the Court may at the request of the defendant or otherwise, assign to him an officer to assist in the defense of the case;
- (c) To apply to the Court for further time to prepare his defense, which application the Court may grant or deny in its discretion;
- (d) To bring with him such material witnesses as he may desire or have them summoned by the Court at his request;
- (e) To give evidence on his own behalf at the trial, but he may not be compelled to do so;
- (f) To have the proceedings translated for his benefit when he is unable to understand them otherwise.

Section 3. Rules of Procedure. — The Chief Civil Affairs Officer shall make rules of procedure for the Allied Military Courts.

Section 4. Assessors. — Every Military Court may appoint one or more assessors to sit with the Court. The duty of the assessors shall be to give such advice or assistance on any question as the Court may request.

## Article V

### IMPRISONMENT, FINES AND OTHER PENALTIES

Section 1. Previous Convictions. — Before imposing sentence upon any person found guilty by an Allied Military Court, evidence of good or bad character including any prior criminal record of the defendant before either military tribunals or the civil courts may be received and considered by the Court in determining the sentence to be imposed.

Section 2. Fines. — Where under any proclamation or order an offense is made punishable by fine, a Court imposing the fine may give such directions as appear to be just with respect to the payment of the fine and in default of payment of whole or part thereof may order the defendant to be committed to prison. Any such direction or order shall, for the purposes of review, be considered as part of the sentence.

Section 3. Order as to Residence. — The General Military Court or a Superior Military Court may direct that the defendant establish his place of residence within a specified area.

Section 4. Confiscation. — If under any proclamation or order a defendant shall be convicted of wrongful sale, purchase, use or possession of any article, a Military Court, in lieu of or in addition to any other lawful punishment, may order restitution or compensation to the owner, or the forfeiture to the Allied Military Government of such article.

Section 5. Padlocking. — If under any proclamation or order a defendant shall be convicted of an offense involving the sale of a harmful article or the operation of an improper place of business, a Military Court in lieu of or in addition to any other lawful punishment, may order that such place be vacated and closed for a fixed time.

Section 6. Suspension of Sentence. — A Military Court may direct that the whole or any part of a sentence of imprisonment imposed by it shall be suspended, on such terms as to good behaviour to be observed by the prisoner with such other conditions (if any) as the court may impose. A subsequent conviction for any offense by an Allied Military Court shall have the effect of putting into operation any suspended sentence which the defendant may not have served unless the Court otherwise directs.

## Article VII

### GENERAL POWERS OF COURTS

(1) An Allied Military Court may make such orders and do all such acts and things as may be requisite for the due administration of justice and, without prejudice to the generality of the foregoing provision, grant bail, accept and forfeit security therefor, make orders for the attendance of witnesses with or without documents, administer oaths, make orders for the disposal of exhibits, and punish contempt of Court.

## Article VIII

Continuation of Death Sentences.

Military Court shall be present, the Officer or the Court.

Allied Military Court is entitled:

to be tried, if he so desires;

other representative of his own choosing or any Court may at any time prohibit

In any case before a General Military Court, otherwise, assign to him an officer to as-

se, which application the Court may grant

or have them summoned by the Court at

may not be compelled to do so;

is unable to understand them otherwise.

Officer shall make rules of procedure for

one or more assessors to sit with the Court.

on any question as the Court may re-

## ER PENALTIES

ence upon any person found guilty by an  
ing any prior criminal record of the defen-  
received and considered by the Court in  
imposed.

an offense is made punishable by fine, the  
just with respect to the payment of the  
order the defendant to be committed to pri-  
view, be considered as part of the sentence.  
any Court or a Superior Military Court, in  
ct that the defendant establish his place of  
d area.

order a defendant shall be convicted of  
ilitary Court, in lieu of or in addition to any  
n to the owner, or the forfeiture to the  
uch article.

or a defendant shall be convicted of an  
n of an improper place of business, a Mili-  
may order that such place be vacated or  
e.

may direct that the whole or any part of  
on such terms as to good behaviour toget-  
hose. A subsequent conviction for any of-  
ing into operation any suspended sentence  
the Court otherwise directs.

## COURTS

acts and things as may be requisite for the  
generality of the foregoing provision, may  
the attendance of witnesses with or with-  
of exhibits, and punish contempt of court.

*Confirmation of Death Sentences.*  
*- R. and a Senior*

ordine contrario del Capo degli Affari Civili.

Sezione 2. Diritti degli Accusati. — Ogni accusato di fronte ad un Tribunale

(a) Di avere in anticipo una copia della requisitoria sotto la quale egli sarà

(b) Di consultare un avvocato prima del processo e di avere un avvocato

scelta per la difesa durante il processo, eccetto quando il Capo Reparto

nale proibisce qualsiasi avvocato od altra persona di apparire nei locali di

cessi dinanzi ad un Tribunale Militare Generale, il Tribunale può, a richie-

minare un'Ufficiale quale difensore;

(c) Di fare richiesta al Tribunale per ottenere un periodo di tempo suffic-

richiesta che il Tribunale può concedere o rigettare a pro-

(d) Di farsi accompagnare dinanzi al Tribunale da testimoni a sua difesa

di farli comparire per ordine del Tribunale

(e) Di fornire prove a suo vantaggio durante il processo, ma non potrà

(f) Di farsi tradurre i procedimenti per il suo beneficio quando egli non è

Sezione 3. Regolamenti di Procedura. — Il Capo degli Affari Civili

cedura per i Tribunali Militari Alleati.

Sezione 4. Consiglieri. — Tutti i Tribunali Militari hanno facoltà di

periti, che sederanno in Corte durante le sedute. E' competenza di tali co-

stenza al Tribunale su qualsiasi questione, secondo la richie-

## Articolo V

### RECLUSIONI, MULTE ED ALTRE PENE

Sezioni 1. Condanne Precedenti. — Prima di cmettere una senten-

colpevole da un Tribunale Militare Alleato, possono essere ricevute prove

cluso qualsiasi rapporto criminale, precedente, dell'accusato, sia di Tri-

Civili. Queste prove possono essere prese in considerazione dal Tribuna-

emettere.

Sezione 2. Multe. — Quando un proclama o un'ordine delibera che un

il Tribunale che impone la multa può prescrivere delle direttive consid-

pagamento della multa, e in caso di mancato pagamento, sia totale che

vere la prigione per l'imputato. Tale direttiva o ordine dovrà, per scopi

me parte della sentenza.

Sezione 3. Ordine circa la Residenza. — Il Tribunale Militare Ge-

Superiore, invece di o in aggiunta ad un'altra pena legale, può imporre

residenza entro una specificata localit-

Sezione 4. Confisca. — Se per aver contravvenuto ad un proclama o

rata calpevole di una vendita, compra, uso o possesso illegale di quale

invece di o in addizione ad ogni altra pena legale, può ordinare la resti-

rio, o la confisca a favore del Governo Militare Alle-

Sezione 5. Chiusura. — Se per aver contravvenuto ad un proclama

pevole di aver venduto articoli dannosi o di aver mantenuto un posto d-

può, invece di o in addizione a qualsiasi altre pene legali, ordinare lo

stesso per un determinato periodo di tempo.

Sezione 6. Sospensione di Sentenza. — Un Tribunale Militare pu-

di reclusione, imposta dallo stesso Tribunale, o parte della sentenza,

dannato conservi buona condotta insieme ad altre condizioni che il Tri-

Una susseguente condanna per qualsiasi reato di un Tribunale Militare

in vigore qualsiasi sentenza sospesa che il condannato non avrà contat-

trimenti.

## Articolo VI

### POTERI GENERALI DEI TRIBUNALI

Un Tribunale Militare Alleato può emettere tali ordini ed agire come

ministratore della giustizia e, senza limitare la generalità del provve-

re libertà contro cauzione, accettare e confiscare la garanzia, emettere

in corte con o senza documenti, far prestare giuramenti, emettere or-

e oggetti di prova e punire offese commesse con-

## Articolo VII

ordine contrario del Capo degli Affari Civili.

Sezione 2. Diritti degli Accusati. — Ogni accusato di fronte ad un Tribunale Militare ha diritto:  
 Di avere in anticipo una copia della requisitoria sotto la quale egli sarà processato, se egli così desidera;  
 Di consultare un avvocato prima del processo e di avere un avvocato od altro rappresentante di sua  
 scelta per la difesa durante il processo, eccetto quando il Capo Reparto della Giustizia o qualsiasi Tribu-  
 nale proibisce qualsiasi avvocato od altra persona di apparire nei locali di qualsiasi Tribunale. In tutti i pro-  
 cedimenti dinanzi ad un Tribunale Militare Generale, il Tribunale può, a richiesta dell'accusato o altrimenti, no-  
 minare un'Ufficiale quale difensore;

Di fare richiesta al Tribunale per ottenere un periodo di tempo sufficiente per preparare la sua difesa,  
 richiesta che il Tribunale può concedere o rigettare a propria discrezione;

Di farsi accompagnare dinanzi al Tribunale da testimoni a sua difesa, se così desidera, o far richiesta  
 di farli comparire per ordine del Tribunale;

Di fornire prove a suo vantaggio durante il processo, ma non potrà essere costretto a fornirle;

Di farsi tradurre i procedimenti per il suo beneficio quando egli non è capace di comprenderli altrimenti.

Sezione 3. Regolamenti di Procedura. — Il Capo degli Affari Civili stabilirà i regolamenti di pro-  
 cedura per i Tribunali Militari Alleati.

Sezione 4. Consiglieri. — Tutti i Tribunali Militari hanno facoltà di nominare uno o più consiglieri  
 civili, che siederanno in Corte durante le sedute. E' competenza di tali consiglieri di fornire consigli o assi-  
 stenza al Tribunale su qualsiasi questione, secondo la richiesta del Tribunale.

## Articolo V

### RECLUSIONI, MULTE ED ALTRE PENE

Sezione 1. Condanne Precedenti. — Prima di emettere una sentenza contro una persona giudicata  
 colpevole da un Tribunale Militare Alleato, possono essere ricevute prove di buona o cattiva condotta, in-  
 cluso qualsiasi rapporto criminale, precedente, dell'accusato, sia di Tribunali Militari che di Tribunali  
 Civili. Queste prove possono essere prese in considerazione dal Tribunale, nel decidere la sentenza da  
 emettere.

Sezione 2. Multe. — Quando un proclama o un'ordine delibera che un certo reato è punibile con multa,  
 il Tribunale che impone la multa può prescrivere delle direttive considerate dal Tribunale giuste circa il  
 pagamento della multa, e in caso di mancato pagamento, sia totale che parziale, il Tribunale può prescri-  
 vere la prigione per l'imputato. Tale direttiva o ordine dovrà, per scopi dell'appello, essere considerata co-  
 me parte della sentenza.

Sezione 3. Ordine circa la Residenza. — Il Tribunale Militare Generale o un Tribunale Militare  
 Superiore, invece di o in aggiunta ad un'altra pena legale, può imporre che il condannato stabilisca la sua  
 residenza entro una specificata località.

Sezione 4. Confisca. — Se per aver contravvenuto ad un proclama o ad un'ordine, una persona è dichia-  
 rata colpevole di una vendita, compra, uso o possesso illegale di qualsiasi articolo, un Tribunale Militare,  
 invece di o in addizione ad ogni altra pena legale, può ordinare la restituzione o il compenso al propieta-  
 rio, o la confisca a favore del Governo Militare Alleato di tale articolo.

Sezione 5. Chiusura. — Se per aver contravvenuto ad un proclama o ad un'ordine, una persona è col-  
 pevole di aver venduto articoli dannosi o di aver mantenuto un posto di affari illeciti, un Tribunale Militare  
 può, invece di o in addizione a qualsiasi altre pene legali, ordinare lo sgombero o la chiusura del posto  
 stesso per un determinato periodo di tempo.

Sezione 6. Sospensione di Sentenza. — Un Tribunale Militare può ordinare che un'intera sentenza  
 di reclusione, imposta dallo stesso Tribunale, o parte della sentenza, sia sospesa a condizione che il con-  
 dannato conservi buona condotta insieme ad altre condizioni che il Tribunale crederà necessarie applicare.  
 Una susseguente condanna per qualsiasi reato di un Tribunale Militare Alleato avrà l'effetto di rimettere  
 in vigore qualsiasi sentenza sospesa che il condannato non avrà scontata, eccetto che il Tribunale decide al-  
 trimenti.

## Articolo VI

### POTERI GENERALI DEI TRIBUNALI

Un Tribunale Militare Alleato può emettere tali ordini ed agire come sarà considerato necessario per l'am-  
 ministrazione della giustizia e, senza limitare la generalità del provvedimento sopraccennato, può anche da-  
 re libertà contro cauzione, accettare e confiscare la garanzia, emettere ordini per far comparire testimoni  
 in corte con o senza documenti, far prestare giuramenti, emettere ordini per la presentazione di documenti  
 e oggetti di prova e punire offese commesse contro il Tribunale.

## Articolo VII

~~out documents, administer oaths, make orders for the disposal of exhibits, and punish contempt of court.~~

### Article VIII

#### REVIEW *and Confirmation of Death Sentences.*

*Revised or Sent*

Section 1. Right of Petition. — Any person convicted by a Military Court may, within thirty days after the imposition of sentence, file with the trial court or forward to the ~~Chief~~ Legal Officer, a petition, ~~addressed to the Chief Civil Affairs Officer~~, submitting reasons why the conviction should be set aside or the sentence should be modified.

Section 2. Disposition of Record. — Every record of trial by an Allied Military Court shall be transmitted to the Chief Legal Officer for ~~examination and file.~~ *ish*

Section 3. Powers on Review. — The record of any case may, on the recommendation of the Chief Legal Officer, and shall in the event of a sentence exceeding two years' imprisonment or a fine of \$0,000 lire, be reviewed by the Chief Civil Affairs Officer or by an officer of the Allied Military Government not below the rank of Colonel who may be appointed by the Chief Civil Affairs Officer for that purpose. The reviewing authority shall have power to set aside any conviction, to suspend, reduce or commute the sentence, or to order a new trial.

### Article VIII

#### CONFIRMATION OF DEATH SENTENCES

#### *Section 2 Sentence of Death*

*Chief Commissioner*

No sentence of death shall be executed unless and until confirmed in writing by the Military Governor of the occupied territory, or by a specified officer not below the rank of Brigadier General or Brigadier to whom he may have delegated such power in writing.

### Article IX

#### POWER TO MAKE ORDERS

~~The Chief Civil Affairs Officer may make and from time to time amend such orders or regulations as he may deem requisite for the purpose of this or any other proclamation issued by me.~~

### Article X

#### EFFECTIVE DATE

This Proclamation will become operative in each province or part thereof within the Occupied Territory on the date of its first publication therein.

Dated : July 1943.

**H. R. ALEXANDER - General**

General Officer Commanding  
The Allied Forces and Military Governor.

in corte con o senza documenti, far prestare giuramenti, emettere ordini per la presentazione di documenti e oggetti di prova e punire offese commesse contro il Tribunale.

## Articolo VII

### REVISIONE

Sezione 1. Diritto d'Istanza. — Qualsiasi persona condannata da un Tribunale Militare può, entro trenta giorni dall'imposizione della sentenza, presentare al Tribunale che emanò la stessa, o inviare al Capo Reparto della Giustizia, un'istanza, indirizzata al Capo degli Affari Civili, notificando le ragioni per le quali la sentenza dovrebbe essere modificata o dichiarata annullata.

Sezione 2. Disposizione dei Documenti. — Tutti i documenti dei processi di un Tribunale Militare Alleato saranno trasmessi al Capo Reparto della Giustizia per esame e per essere conservati in archivio.

Sezione 3. Poteri di Rivista. — I documenti di tutti i casi legali possono, su raccomandazione del Capo Reparto della Giustizia, e devono, in caso di una condanna superiore ai 2 anni di reclusione, essere esaminati dal Capo degli Affari Civili o da un ufficiale del Governo Alleato di un grado non inferiore a Colonnello, che può essere nominato dal Capo degli Affari Civili. L'autorità esaminatrice avrà potere di annullare qualsiasi condanna, di sospenderla, ridurla o mutare la sentenza o di ordinare un nuovo processo.

## Articolo VIII

### CONFERMA DELLA SENTENZA DI MORTE

Nessuna sentenza di morte sarà messa in esecuzione senza e fino a che non si abbia ottenuta una conferma per iscritto dal Governatore Militare del territorio occupato o da un ufficiale specificato non di grado inferiore a Brigadiere Generale o Comandante di Brigata al quale il Governatore Militare ha dato la sua approvazione per iscritto.

## Articolo IX

### POTERE DI EMETTERE ORDINI

Il Capo degli Affari Civili può emettere, e di tempo in tempo modificare ogni ordine e regolamento, e crederà opportuno agli scopi di questo o qualsiasi altro proclama da me emesso.

## Articolo X

### DATA DI ENTRATA IN VIGORE

Questa proclama entrerà in vigore in ciascuna provincia o parte di provincia del territorio occupato alla data della sua prima pubblicazione ivi.

In data di luglio 1943.

**H. R. ALEXANDER - Generale**

Generale Comandante  
le Forze Alleate e Governatore Militare

corte con o senza documenti, far prestare giuramenti, emettere ordini per la presentazione di documenti e oggetti di prova e punire offese commesse contro il Tribunale.

## Articolo VII

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Sezione 2. Disposizione dei Documenti. — Tutti i documenti dei processi di un Tribunale Militare alleato saranno trasmessi al Capo Reparto della Giustizia per esame e per essere conservati in archivio.

Sezione 3. Poteri di Rivista. — I documenti di tutti i casi legali possono, su raccomandazione del Capo Reparto della Giustizia, e devono, in caso di una condanna superiore ai 2 anni di reclusione o di una multa di 50.000 lire, essere esaminati dal Capo degli Affari Civili o da un ufficiale del Governo Militare alleato di un grado non inferiore a Colonnello, che può essere nominato dal Capo degli Affari Civili a tale scopo. L'autorità esaminatrice avrà potere di annullare qualsiasi condanna, di sospenderla, ridurla o commutare la sentenza o di ordinare un nuovo processo.

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Il Capo degli Affari Civili può emettere, e di tempo in tempo modificare ogni ordine e regolamento che lui crederà opportuno agli scopi di questo o qualsiasi altro proclama da me emesso.

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In data di luglio 1943.

**H. R. ALEXANDER - Generale**

**Generale Comandante**

**le Forze Alleate e Governatore Militare.**

Proclamation. I

1st Whereas Shared be armed  
forces of the ~~alt~~  
United Nations.

now therefore get alexander's present  
title and substitute for  
Glenham.

IV omit (of ~~alt~~ provinces and  
communes

---

17 May 46

A.M. G. Chet. Brown &  
Veto.

Dear Gerald.

A priori of Proclamation revision, will it be possible to clear up the question whether it is an offence for a civilian to be in possession of goods supplied by the Nazis, or presumably by the American P.X.?

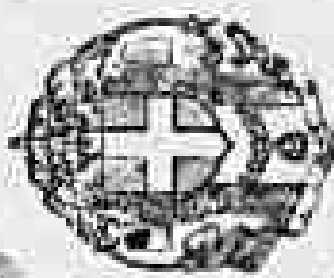
Paris crops up quite frequently of changes of wrong but possession where only Nazis goods are concerned, in which there is no suggestion of theft but only of gift or resale by officers & men. I think conversations are wrong in law, but not so the non-legal C.A.O. who tries to ~~clear~~ the matter. The cumulative wastage of shipping space must amount to something, so probably only a small number of the persons who hold such goods are ever found out.

Yours sincerely, 50



P.S. In printing the Proc:s could the heading in English be printed over the English version, & that in Italian over the Italian version, instead of both English & Italian being printed right across the whole sheet? We find sometimes difficulty in finding sufficient suitable space for putting up the Proc:s, whereas if we cut the sheet in half & put up only the

Italian version we can get them up easily. To do this we had a limited number of small headings printed to stick over the top of the Italian version.



# COMUNE DI ISTONIO

(Provincia di Chieti)

## ATTO DI ASSENSO

PER L'ARRUOLAMENTO VOLONTARIO DI UN MINORENNE

L'anno \_\_\_\_\_

questo dì \_\_\_\_\_

del mese di \_\_\_\_\_

è comparso avanti me Podestà del Comune suddetto:

(1)

(1) Cognome, nome qualità  
del dichiarante, cioè padre o  
madre.

(2) Cognome e nome del  
aspirante all'arruolamento.

del minorenni (2) \_\_\_\_\_

il quale, per assecondare la costui inclinazione, acconsente possa im-  
prendere il servizio militare nella qualità di volontario.

In fede di che lo stesso dichiarante ha sottoscritto con me il pre-  
sente atto.

Firma del Dichiarante

IL PODESTÀ

del minore (2)

il quale, per assecondare la costui inclinazione, acconsente possa im-  
prendere il servizio militare nella qualità di volontario.

In fede di che lo stesso dichiarante ha sottoscritto con me il pre-  
sente atto.

Firma del Dichiarante

IL PODESTÀ

( L. S. )

N. B. — Se l'atto di assenso è rilasciato dalla madre, perchè vedova, o per avere il marito interdetto civilmente,  
o privato dei diritti civili, si dovrà accennare in questo atto tali circostanze, e nel primo caso anche la data della  
morte del marito.

ARTE DELLA STAMPA - ISONO

Near Perad.

Pro: 2 is being revised might I suggest the following?

1. Sec: 5. Omit the word "similar" which makes "war supplies" equivalent to generic with firearms ammunition or explosives. The Notice posted under this section says "or any war supplies of any kind."

2. Sec. 12. Add "or property," after "any war material." It might be argued that not all stores are "war materials."

3. Sec. 34. Include accepting bribes or extorting money. He had an unimpaired who got more than 30,000 lbs from persons for bonded services. In viewing papers, we could only charge him under sec. 45. In addition to the action,

"a being employed by a working for the Allied Forces elements  
or accepts any gift in connection with such work or employment."

4. Sec. 36 Substantive "properly" for "any military equipment or war material."

40007

Dr. W.

10 Mar. 44.

to accept any gift in connection with such work or employment.

4. Sec. 36 Substitute "property" for "any military equipment or war material."

5. Sec. 43. Substitute "place of residence" for "own home".

4007.

Pr. W.

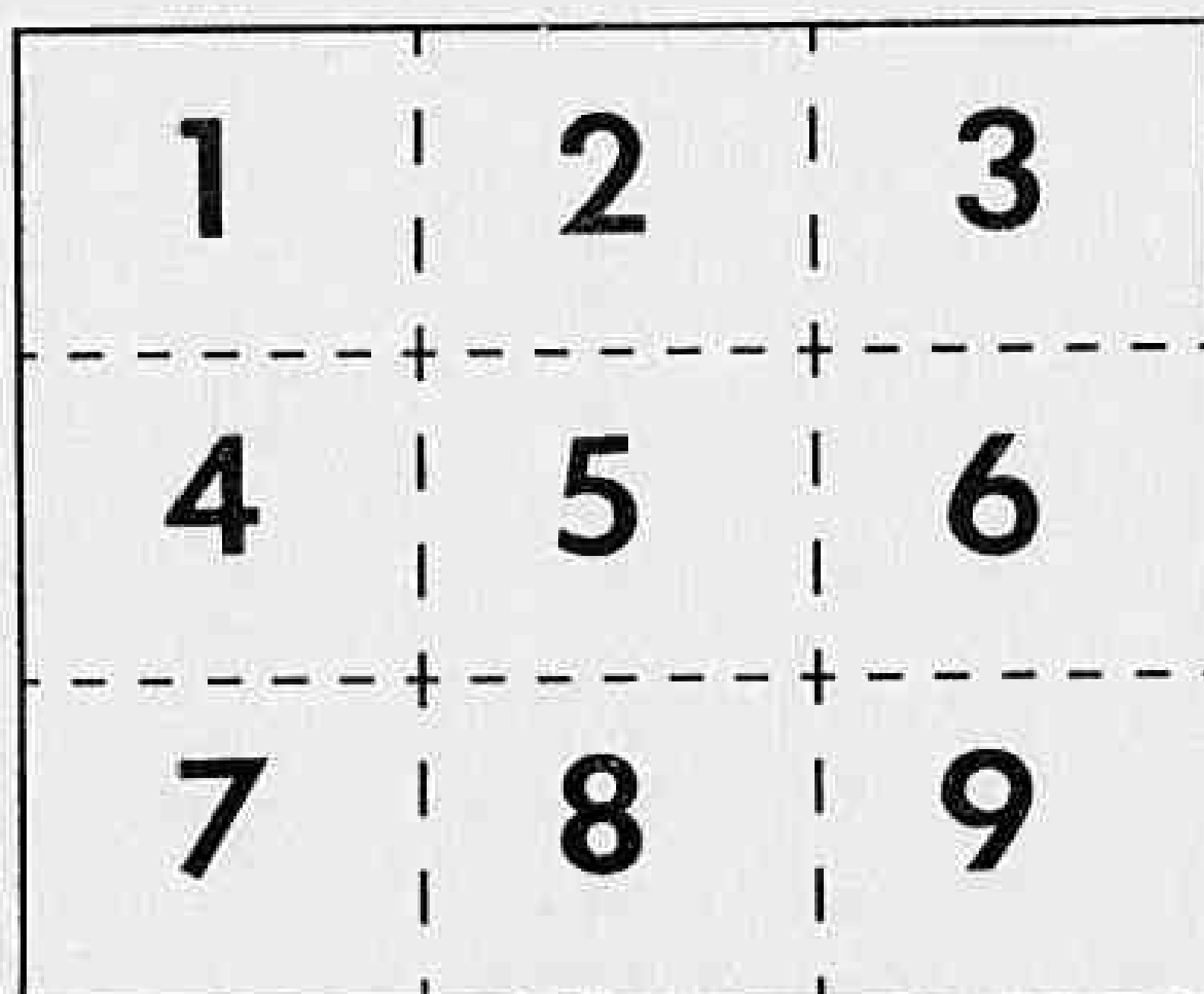
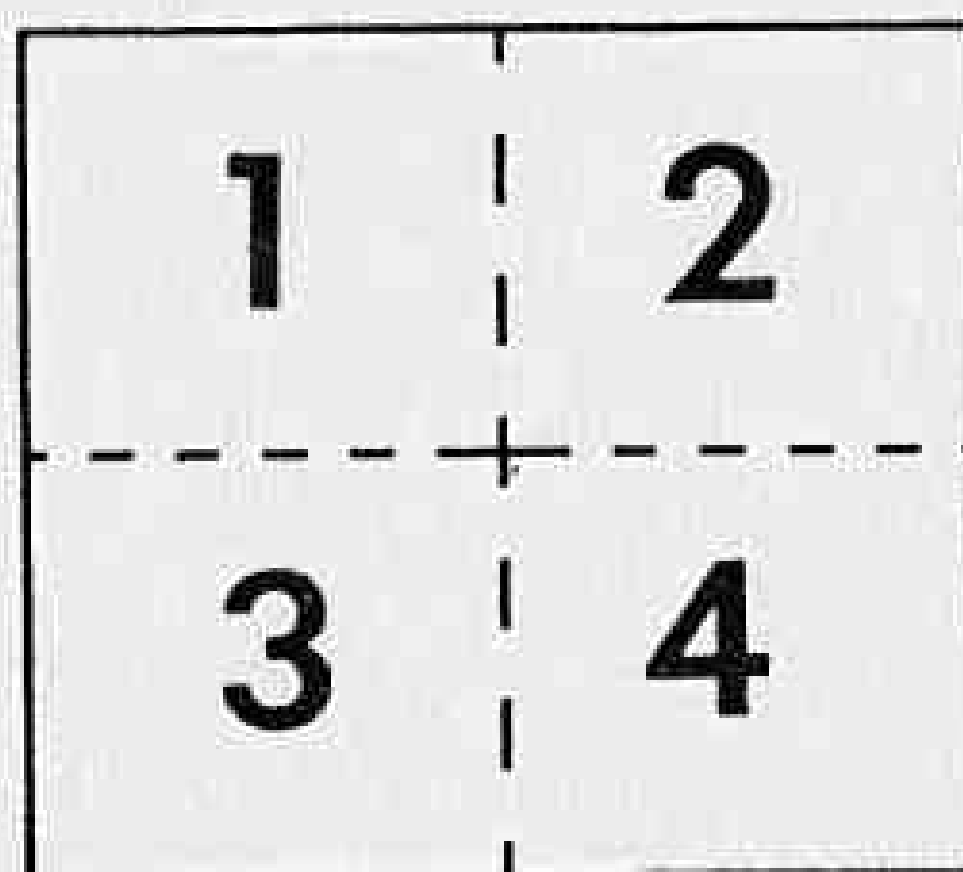
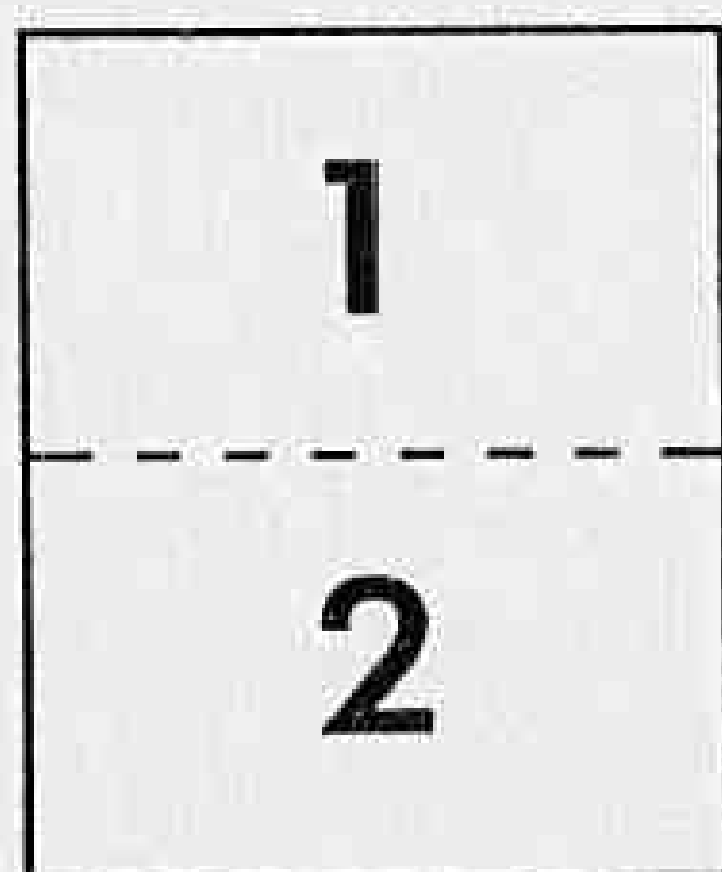
10 Mar. 44.

P.S. A copy of the new "mandato di cattura" which I have had printed with Form 8a is attached, with a "release clause"

Pr. W.

MAPS AND CHARTS TOO LARGE TO FILM  
ON ONE EXPOSURE ARE FILMED CLOCKWISE  
BEGINNING IN THE UPPER LEFT CORNER,  
LEFT TO RIGHT, AND TOP TO BOTTOM.

SEE DIAGRAMS BELOW.



Allied Military

# PROCLAMATION

## WAR CRIMES

WHEREAS, by Proclamation Number 1 issued this day I have assumed all powers of government over the territory of

## ITALY

occupied by the Allied Forces under my command

NOW, therefore, in order to make provision for the safety of the Allied Forces under my command and for the maintenance of public order and safety in the territory occupied by The Allied Forces, I, Harold R. L. G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces and Military Governor of the occupied territory, hereby proclaim as follows:

### ARTICLE I

Offenses against the Allied Forces which may

# And Military Government of Occupied Territories

## DECLARATION

### ~~CRIMES~~ CRIMES & MILITARY COURT

#### CRIMES

Number 1 issued  
powers of government

#### Y

under my command,  
make provision for  
ces under my com-  
nce of public order  
upied by The Allied  
Alexander, G.C.B.,  
al, General Officer  
es and Military Gov-  
ry, hereby proclaim

I  
Forces which may

(22) Counterfeits any coin or note made legal tender by the Allied Military Government, or has in his possession any such coin or note knowing the same to be false; or

(23) Otherwise violates any of the laws of war, or ~~willfully~~ <sup>or security</sup> does any act in aid of the enemy or hostile to or endangering the safety of the Allied Forces;

shall, upon conviction by a Military Court, be liable to punishment by death or by imprisonment or fine or both, as the court may determine.

#### ARTICLE II

#### Offenses against the Allied Forces punishable by fine or imprisonment.

Any person who:

(24) <sup>is out of doors</sup> ~~Circulates in the streets or outside of his own house~~ without a permit after curfew, ~~which, until further notice, shall be from sunset to sunrise;~~

(25) Leaves the shore in any ~~fishing boat or any other~~

#### Section 2.

An attempt under this ~~der-issued~~ Government be punishable committed.

Any person may, at the authority, on conviction by such Law

# of Occupied Territory

## ION No. 2

### MILITARY COURTS

made legal tender by  
t, or has in his pos-  
sion the same to be

acts of war, or wilfully  
or hostile to or en-  
emy Forces;

Court, be liable to  
imprisonment or fine or both,

acts punishable  
by law.

of his own house  
which, until further  
notice;  
may or any other

#### Section 2. Attempts.

An attempt to do any act which constitutes an offence under this proclamation or any other proclamation or order issued under the authority of the Allied Military Government, shall likewise constitute an offence which shall be punishable to the same extent as though the act had been committed.

#### ARTICLE IV

#### Violation of Italian Law

Any person who violates <sup>or has violated</sup> any provision of Italian Law ~~or has~~ may, at the direction of the Military Governor or under his authority, be brought to trial before a Military Court, and on conviction by such court, may be punished as provided by such Law.

#### ARTICLE V

#### Collective Fines

C.S.I., D.S.O., M.C., General, General Officer  
Commanding the Allied Forces and Military Gov-  
ernor of the occupied territory, hereby proclaim  
as follows:

## ARTICLE I

### Offenses against the Allied Forces which may be punished by death

~~1. During any and hostile~~

Any person who:

- (1) Serves the enemy as a spy or harbors or aids an enemy spy;
- (2) Communicates with the enemy or with any person within territory under their control in any manner or on any subject whatever;
- (3) Sends to any person anywhere any communication giving any information whatever concerning the Allied Forces; or receives any such communication and fails promptly to report the same to the Allied Military Government;
- (4) Bears arms against the Allied Forces;
- (5) Has in his possession any fire arms, ammunition, explosives, or similar war supplies after the date fixed by public notice, except in accordance with a permit of the Allied Military Government;
- (6) Has in his possession any wireless or other apparatus for transmitting signals or other messages after the date fixed by public notice for their surrender;
- (7) ~~Willfully~~ misleads any troops of the Allied Forces in the performance of their duties;
- (8) Assists a prisoner of war to escape or assists or conceals any prisoner of war after escape;

(9) Assists any of the enemy armed forces to evade

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 mit after curfew, which, until further  
 from sunset to sunrise;  
 ore in any fishing boat or any other  
 any other manner except under such re-  
 may hereafter be published;  
 vidence before a Military Tribunal;  
 roperty of the Allied Forces or of any  
 eof of a value not in excess of 10,000  
 fully receives, removes, destroys, damages,  
 or interferes with or has in his possession  
 claim against the ~~Governments~~ <sup>allied forces</sup> of the  
 or Great Britain or of either of them or  
 of the Allied Forces knowing the same to  
 adulent or exaggerated;  
 circulates, or has in his possession with  
 hich or circulate, any printed or written  
 interest of the enemy or its armed forces  
 trimental, or disrespectful to the govern-  
 United States or Great Britain, the Allied  
 e Allied Military Government or to the  
 of any other of the United Nations;  
 speech or words hostile or disrespectful  
 United States or Great Britain, the armed  
 her or any member thereof or the Allied  
 ument or the government of any other  
 d Nations;  
<sup>Religious Inst.</sup>  
 y member of the Allied Forces;  
 in any public demonstration or assembly  
 ized by the Allied Military Government;  
 ends to be acting under the authority of  
 Military Government;  
 ibe to or intimidates any person acting  
 uthority of the Allied Forces in order to

by such Law.

## ARTICLE V

### Collective Fines

Any mayor or other principal representative of any commune may be charged and tried as representing the members thereof with any offence for which such members are alleged to be collectively responsible and in the event of his being convicted of such offense in his representative capacity, and collective responsibility being established, a collective fine may be imposed upon such commune.

## ARTICLE VI

### Defenses under International Law

It shall be a defense to any charge before a Military Court that the alleged offense was an act of lawful belligerency or otherwise privileged under principles of international law.

## ARTICLE VII

### Arrest and Detention

#### Section I. Arrest and Search.

Any authorized member of the Allied Forces may:

- (a) Arrest or search any persons suspected of having committed or being about to commit offenses ~~under this or any other proclamation or order~~;
- (b) Enter and search any place and seize and take away any property for the purpose of investigating ~~any~~ <sup>such</sup> offense or arresting ~~the~~ <sup>any</sup> offender or preventing any such offense where there are grounds for believing that it is intended to be committed.

by such Law.

### ~~ARTICLE V~~ Collective Fines

Any mayor or other principal representative of any commune may be charged and tried as representing the members thereof with any offense for which such members are alleged to be collectively responsible and in the event of his being convicted of such offense in his representative capacity, and collective responsibility being established, a collective fine may be imposed upon such commune.

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- (b) Enter and search any place and seize and take away any property for the purpose of investigating any ~~such offense or arresting the offender or preventing any such offense where there are grounds for believing that it is intended to be committed~~ *or preventing*

(8) Assists a prisoner of war to escape or assists or conceals any prisoner of war after escape;

(9) Assists any of the enemy armed forces to evade capture;

(10) Enters or is found within any ~~place~~ area designated as a forbidden area either by the posting of a sign, or the presence of sentries, without a pass specifically authorising him to be there;

*or wrongfully receives, removes, destroys, damages, endangers or interferes with or has in his possession*

(11) Steals any property of the Allied Forces or of any person belonging to the Allied Forces to the aggregate value of more than 10,000 lire;

(12) ~~Removes, destroys or damages any war material belonging to the Allied Forces with intent to interfere with military operations or the safety of the Allied Forces;~~

12 (13) Interferes with communication by mail, courier, telegraph, telephone, cable, radio, or otherwise, or ~~destroys or damages any facility of communication;~~

*removes or damages any telegraph or telephone wire or electric power wire*

(14) Interferes with transportation by railroad, road, sea or air, ~~or otherwise, or destroys or damages any facility of transportation;~~

14 (15) Interferes with the operation of any public service or utility, including water supply, electric light and power, gas, sanitation or similar services; ~~or destroys or damages any facility or installation of any such service;~~

15 (16) Kills any member of the Allied Forces;

16 (17) Assaults any member of the Allied Forces with intent to kill or inflict serious bodily harm;

17 (18) Commits any acts of ~~plunder or pillage~~ <sup>looting</sup> or robs the dead or wounded;

(19) Rapes any nurse or other woman serving with the Allied Forces or assaults any such nurse or other

~~with intent to commit rape.~~

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without a pass specifi-  
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Allied Forces or of any  
Allied Forces to the aggregate  
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ages any war material be-  
with intent to interfere  
or the safety of the Allied

ation by mail, courier, tel-  
radio, or otherwise, or  
facility of communication;  
ation by railroad, road, sea  
destroys or damages any fa-

tion of any public service or  
supply, electric light and  
similar services; or destroys  
or installation of any such

the Allied Forces;

of the Allied Forces with  
serious bodily harm;

~~looting~~ ~~under or pillage~~ or robs the

er woman serving with the  
is any such nurse or other  
submit name:

the Allied Military Government;

(34) Offers <sup>or accepts</sup> a bribe to or intimidates any person acting  
under the authority of the Allied Forces in order to  
induce him not to perform his duty; <sup>in connection</sup>  
<sup>with any official matter.</sup>

(35) Interferes with the arrest or assists the escape of any  
person about to be arrested under the authority of  
the Allied Military Government;

(36) Acquires by gift or purchase any military equipment  
or war material belonging to the Allied Forces;

(37) Disseminates ~~by speech or writing~~ any false rumor  
calculated to excite or alarm the people;

(38) Knowingly makes any false statement to any mem-  
ber of the Allied Forces in connection with any  
matter of official concern <sup>matter</sup>

(39) Removes or damages any notice, proclamation, or  
order posted under the authority of the Allied Mili-  
tary Government;

(40) Wrongfully receives or has in his possession property  
of the Allied Forces or any member thereof;

(41) Fails to have in his possession at all times <sup>a proper</sup> an identi-  
fication card issued pursuant to existing law;

(42) Issues any false identification card;

(43) Until further order of the Allied Military Govern-  
ment travels more than ten (10) kilometres beyond  
his own home without a <sup>valid</sup> permit issued by a civil  
police officer;

(44) Willfully disobeys any order given under the author-  
ity of the Allied Forces or the Allied Military Govern-  
ment where no specific punishment is prescribed; or

(45) Does any act to the prejudice of good order or the  
safety or security of the Allied Forces or any member  
thereof;

shall, upon conviction by a Military Court, be liable to  
punishment by such fine or imprisonment, or both, as  
the court shall direct.

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any property for the purpose of ~~committing~~ <sup>or preventing</sup> such offense or arresting ~~the~~ <sup>a suspected</sup> offender or preventing any such offense where there are grounds for believing that it is intended to be committed.

~~Persons arrested shall be brought to trial as soon as practicable before a Military Court convened in the locality unless detained under the provisions of the next Section.~~

## Section 2. Detention.

Any person suspected of committing or intending to commit ~~a war offense or to engage~~ <sup>any act hostile to the Allied Forces or engaging</sup> in any political or other activity in the interest of the enemy or its Armed Forces or hostile to the Allied Forces or the Allied Military Government, may be detained pending further investigation ~~by order of any~~ <sup>for a period not exceeding three months unless the</sup> Senior Civil Affairs Officer ~~if in his opinion it would be~~ <sup>Regional or Senior Civil Affairs Officer orders</sup> prejudicial to the safety of the Allied Forces to permit such person to remain at large.

Whenever any person has been so detained the Chief Legal Officer of the Allied Military Government shall be so informed, and he shall review the circumstances under which the detention was ordered. If the Chief Legal Officer certifies that he agrees with the opinion of the detaining officer, the detention may continue for a period of not longer than three months, subject to renewal for further periods of three months upon like certificates. If the Chief Legal Officer does not agree, then the question may be submitted to ~~higher authority for decision.~~ <sup>that the detention may continue for a longer period.</sup>

## Section 3. Provisions of this article not to apply to civilian internees.

Nothing in this article contained shall prevent the internment of public officials or other civilians as Civilian Internees ~~pursuant to the provisions of International Law.~~

## ARTICLE VIII

### Effective Date

This Proclamation will become

- 15 (16) Kills any member of the Allied Forces;
- 16 (17) Assaults any member of the Allied Forces with intent to kill or inflict serious bodily harm;
- 17 (18) Commits any acts of <sup>looting</sup> ~~plunder or pillage~~ or robs the dead or wounded;
- (19) Rapes any nurse or other woman serving with the Allied Forces or assaults any such nurse or other woman ~~with intent to commit rape~~;
- (20) Forges or alters any permit, pass, identity card or other similar paper addressed to or issued by the Allied Forces, <sup>or issues</sup> or has in his possession any forged or altered permit, pass or identity card, ~~knowing the same to be false~~;
- (21) Incites any inhabitants of the occupied territory to insurrection against military authority, or organizes or leads any public demonstration or assembly for such purpose;

(44) Will

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- (44) ~~Willfully~~ disobeys any order given under the authority of the Allied Forces or the Allied Military Government where no specific punishment is prescribed; or
- (45) Does any act to the prejudice of good order or the safety or security of the Allied Forces or any member thereof;

shall, upon conviction by a Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct.

### ARTICLE III

#### Other Offenses

#### Section I. Conspiracy, advising or assisting violation.

*person*  
Anyone who conspires to do any act constituting an offense ~~under this proclamation or any other proclamation or order issued under the authority of the Allied Military Government~~, or who advises, assists in, or procures the commission of any such act shall be punishable as a principal.

#### Section 3. Provisions to civilian internees

Nothing in this article shall be construed to limit the right of public officials to perform their duties pursuant to the laws of the United States.

This Proclamation and all parts thereof with its first publication.

General

Dated: 25 August 1945

**Section 3. Provisions of this article not to apply  
to civilian internees.**

Nothing in this article contained shall prevent the internment of public officials or other civilians as Civilian Internees pursuant to the provisions of International Law.

**ARTICLE VIII**  
**Effective Date**

This Proclamation will become operative in each province or part thereof within the occupied territory on the date of its first publication therein.

**H. R. ALEXANDER,**

General.

General Officer Commanding the Allied Forces  
and Military Governor.

Dated: 25 August 1943.

Rider A

29 Fails to declare within one month of the date of this proclamation the possession of any stores, equipment or military property, abandoned by the enemy or of enemy origin

## RIDER "A"

28. Has in his possession any cigarettes or other articles issued to or purchased by a member of the Allied Forces from any Allied Forces Source of supply.

*First to be heard within a month*

29. ~~Receives or has in his possession any military property, stores or equipment abandoned by the enemy or of enemy origin.~~

RIDER "A"

28. Has in his possession any cigarettes or other articles issued to or purchased by a member of the Allied Forces from any Allied Forces Source of supply.

*Items to be submitted  
within a month*

29. ~~Receives or has in his possession any military property, stores or equipment abandoned by the enemy or of enemy origin.~~

Rider #

29 Fails to declare within one month of the date of this proclamation the possession of any stores, equipment or military property abandoned by the enemy or of enemy origin

*Rule C*

(49) Promotes or attends any meeting of the fascist party; uses or permits premises to be used for any such meeting; prints or publishes or has in his possession any printed or written matter issued by or on behalf of the Fascist Party; teaches or advocates any doctrine of Fascism; wears or has in his possession any badge, insignia or attire of the Fascist Party; makes or receives any subscription to the funds of the Fascist party; takes or receives any oath or undertaking to the Fascist party or does any act intended or likely to promote or sustain the Fascist Party, the term Fascist Party including any organization designed to replace it.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

/ent

ACC/4027/2/L

6 May 1944

SUBJECT: Galley Proof of Proclamation No. 1.

TO : Lt. Panelli, Printing Officer, HQ ACC.

Enclosed galley proof of Proclamation No. 1 and executed copy thereof which must be carefully preserved and returned to us.

The first galley proof was so full of errors that a second must be submitted and approved before going to press.

Capt. Oates of Region 4 will call at your office tomorrow, 7 May 44, to proof read the second galley proof. On his written approval thereof the printing should immediately commence.

Italian version of text is returned herewith.

17

MAJG J. GROSSMAN, Major  
for Chief Legal Officer.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

MJG/gmf

ACC/4027/2/L

28 April 1944

SUBJECT: Proclamations No. 1, 2, 3, &amp; 4.

TO : The Printing Officer, A.C.C. (thru C.A., R.C. &amp; M.G. Section)

1. Pursuant to our conversation with your Lt. Danelli on 27 April 1944, enclosed you will find English and Italian drafts of Proclamations No. 1, 2, 3 and 4.

2. Also enclosed is request for priority in setting up type for printing the above.

3. We understand that proofs will be delivered to us before the middle of next week.

MARC J. GROSSMAN  
Major  
for Chief Legal Officer.

*File*

NEAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APC 394

ACC/4027/2/L.

/rlp. *21A*  
5 May 1944.

SUBJECT : Proclamations.

TO : Lt. Panelli, Printing Officer, HQ ACC.

1. Returned herewith proof of Proclamation No. 3 which has been approved with corrections together with typewritten drafts of the English and Italian versions thereof. *Also Notices 1 and 2 amended.*

2. Confirming our telephone conversation, it is absolutely imperative that draft Proclamation No. 1 be placed into my hands forthwith.

MARC J. GROSSMAN,  
Major,  
Chief Counsel.

*15*

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

20 D  
27 April, 1944.

URGENT.

REFERENCE : ACC/AC27/2/L.

SUBJECT : Printing of New Proclamations.

TO : H.Q. Commandant, H.Q., A.C.C.

1. May priority please be given for the setting up of the type of the new Proclamations which have been prepared by this Sub-Commission.

2. Priority is required as these new Proclamations must be distributed to the forward areas for posting in new areas when an advance takes place.

GERALD R. UPJOHN.  
Colonel,  
Chief Legal Officer.

GNU/wcw.

63A

REAR HEADQUARTERS  
ALLIED COUNCIL COMMISSION  
Legal Subcommittee  
APO 394

HJC/gdf

ACC/MAR7/2/1

2 Jul 44

SUBJECT: Proclamations, Orders and Notices.

TO : RC &amp; MC Section ( thru Admin. Sec. ).

1. Pursuant to your letter 29 Jun 44 ref/278/191/CA, we have revised draft of two letters enclosed therewith.

2. Para 4 of both letters has been redrafted by reason of our understanding that the present policy is to close banks only on the advice of the Finance Subcommittee. Accordingly Proclamation No. 4 which closes banks and General Order No. 2 (renumbered) which requires them would be posted only after the appropriate decision had been reached by the Finance Subcommittee.

3. Para 2 and 3 of letter to Sections and Subcommittees required revision in order more accurately to reflect the facts as to the status of the various General Orders.

4. We have inserted the words "number of" before the word "copies" in Para 2 of letter to RC's Regions and SGMOs in the interest of clarity.

WILLIAM J. GIBSON  
Lt. Col.  
For Chief Legal Officer.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO 394

38

Ref/27/ /CA

Jul 46

SUBJECT: General Orders and Notices.

TO : Econ. Section  
Admin. Section  
Independent Subcommissions.

1. Reference is made to Office Memorandum dated 1 March 1944 published in "Instructions for the Guidance of Officers of the Commission" Part III, Pages 3 - 4.

2. From time to time General Orders have been issued by the Executive Commission upon recommendation of Sections and Subcommissions. Some of these remain current, others are now obsolete and the remainder have either been incorporated in General Orders 1 and 2 (renumbered) or will be included in General Orders now in preparation.

3. With the exception of an order dealing with the Declaration of Essential Supplies and prohibition against removal and transfer of certain commodities, certain further general orders dealing with agriculture, and a revised order covering the Reorganization of Bar Association all of which are now in preparation, the attached list shows all orders considered now necessary to cover all the requirements of Military Government in newly occupied territory and territory still to be occupied. General Order No. 27 is with the printers and No. 28 is ready for signature.

4. With regard to the publication in areas newly occupied the Allied Forces SCAO's will publish Proclamations Nos 1, 2 and 3, General Order No. 1 (renumbered) and notices 1 and 2. Proclamation No. 4 and General Order No. 2 (renumbered) will be so published only upon order of the RC & LG Section upon the advice of the Finance Subcommission. The foregoing Proclamations,

- 2 -

(63C)

General Orders and Notices will be issued in accordance with demands received by RD & NG Section.

5. The publication of the remaining General Orders and any to be issued in the future will be the subject of further instructions based on the opinions, comments and requests of Regional Commissioners and Subcommissions after consultation with the Legal Subcommission.

6. Proclamations and General Orders can be amended or varied only by order of the Chief Commissioner in the case of Proclamations and by the Executive Commissioner in the case of General Orders. It follows that Sections and Subcommissions will take no action in conflict with the above.

M. S. LEE,  
Brigadier,  
Executive Commissioner.

DRAFT

(3D)

Ref/270/ /CA.

Jul 44

SUBJECT: Proclamations, General Orders and Notices.

TO : RC's Regions IV, V, VIII & IX.  
SCAO's 5th & 8th Armies.

1. For your guidance there is attached a list of Proclamations, General Orders and Notices which may be brought into use in newly occupied territories.
2. As and when new Orders are originated you will be furnished with the number of copies in accordance with standing requirements as notified to R.C. & M.C. Section.
3. Meanwhile please let this HQ know if you require any further supplies in addition to those already held.
4. In the future, Allied Armies SCAOs will publish Proclamations No. 1, 2 & 3, General Order No. 1 (renumbered) and Notices 1 and 2. Proclamation No. 4 and General Order No. 2 (renumbered) will be published only upon order of the R.C. & M.C. Section upon advice of the Finance Subcommittee. Other General Orders will be published only by the Armies SCAOs when specifically requested to do so by the Subcommittees concerned through this Section.

W. S. LEEH,  
Brigadier,  
Executive Commissioner.Copy to: Econ. Section  
Admin. Section

DRAFT

Ref/278/ /CA.

June 1944.

7742  
(628)

SUBJECT: Proclamations, General Orders and Notices.

TO : R.C.'s Regions IV, V, VIII & IX.  
SCAO's 5th & 8th Armies.

1. For your guidance there is attached a list of Proclamations, General Orders and Notices which may be brought into use in newly occupied territories.
2. As and when new Orders are originated you will be furnished with the number of copies in accordance with standing requirements as notified to R.C. & M.G. Section.
3. Meanwhile please let this HQ know if you require any further supplies in addition to those already held.
4. In future AG Armies will publish Proclamations 1 - 4, General Orders 1 and 2, and Notices 1 and 2. Other General Orders will only be published by the Armies when specifically requested to do so, by the Sub-Commission concerned, through this Section.

JSR/RAC.

M.S. LUSH,  
Brigadier,  
Executive Commissioner.Copy to: Econ Section  
Admin Section

DRAFT

(620) 774v

Ref/276/ /CA

June 1944.

SUBJECT: General Orders and Notices.

TO, : Econ. Section  
Admin. Section.  
Independent Sub-Commissions.

1. Reference is made to Office Memorandum dated 1 March 1944 published in "Instructions for the Guidance of Officers of the Commission" Part III, Pages 3 - 4.
2. From time to time Sections and Sub-Commissions have originated General Orders. Most of these have now been incorporated within General Orders Nos.1 and 2, and Notices Nos.1 and 2.
3. The attached list "A" shows all the Orders now considered necessary to cover all the requirements of Military Government in newly occupied territory and territory still to be occupied. No.27 is with the printers and 28 is being prepared for signature and will be available in due course.
4. With regard to the publication in areas newly occupied the Allied Armies SCAGs will only publish Proclamations Nos.1 - 4, General Orders Nos. 1 and 2, and Notices 1 and 2, which will be issued in accordance with demands received by R.O. & M.C. Section.
5. The publication of the remaining General Orders and any to be issued in the future will be the subject of further instructions based on the opinions, comments and requests of Regional Commissioners and Sub-Commissions after consultation with the Legal Sub-Commission.

JSR/RAC.

M.S.LUSH,  
Brigadier,  
Executive Commissioner.

(620)

LIST OF PROCLAMATIONS, GENERAL ORDERS  
AND NOTICES EXTANT.

1. Proclamations.

Nos.1 - 4.

2. General Orders.

|                           | <u>Subject</u>                                                                                              | <u>Sub-Commission<br/>Originating</u> |
|---------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------|
| No.1 (Renumbered)         | Taxes and Public Monies.                                                                                    | Finance                               |
| No.2 (Renumbered)         | Termination of restrictions<br>on Banking Institutions and<br>Moratorium, Extension of<br>time for protest. | Finance                               |
| No.12 (Sicily)            | Reorganisation of Bar<br>Association.<br>(Being revised)                                                    | Legal                                 |
| No.18 (Sicily &<br>Italy) | Rights of Jews.                                                                                             | Legal                                 |
| No.20 (Italy)             | Circulation of Motor<br>Vehicles.                                                                           | Public Safety                         |
| No.24 (Italy)             | Movement of civilians<br>and passes.                                                                        | Public Safety                         |
| No.25 (Italy)             | Public Meetings                                                                                             | Public Safety                         |
| No.26 (Italy)             | Consignment of Wheat and<br>Barley to Peoples Granaries                                                     | Agriculture                           |
| No.27 (Italy)             | Regulation of Aliens.                                                                                       | Public Safety                         |
| No.28 (Italy)             | Labour Relations.                                                                                           | Labour.                               |

3. Notices.

Nos.1 and 2.

4027  
HEADQUARTERS REGION  
ALLIED MILITARY GOVERNMENT  
A. P. O. 394

33B

TO : C.L.O., A.S.C., H.Q. (Rear)  
FROM : R.L.O. Region 4.  
SUBJECT: Proclamations.  
REF : R4/LE/Reg/3/5.  
DATE : 10 May 44.

1. Herewith are returned originals of Proclamation No. 1, Italian & English, <sup>one of</sup> which bears the Chief Commissioner's signature.
2. As arranged on the telephone to-day as soon as copies of 1, 2, 3. & 4. become available here, I will send them down to you.

36

Wordley

Capt.  
A.D.R.I.O.  
for R.L.O.  
Region 4.

HEADQUARTERS  
ARMED FORCES COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

NOG/1,027/2/L.

/rlp.  
8 May 1944.

SUBJECT : Proclamation No. 2.

TO : Lt. Penelli, Printing Officer, HQ AGC.

Enclosed herewith is galley proof of English and Italian versions of Proclamation No. 2 duly approved as corrected.

MAJOR J. GROSSINI,  
Major,  
for Chief Legal Officer.

P.S. Herewith also returned English and Italian drafts of Proclamation No. 2

35

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

8 May, 1944.

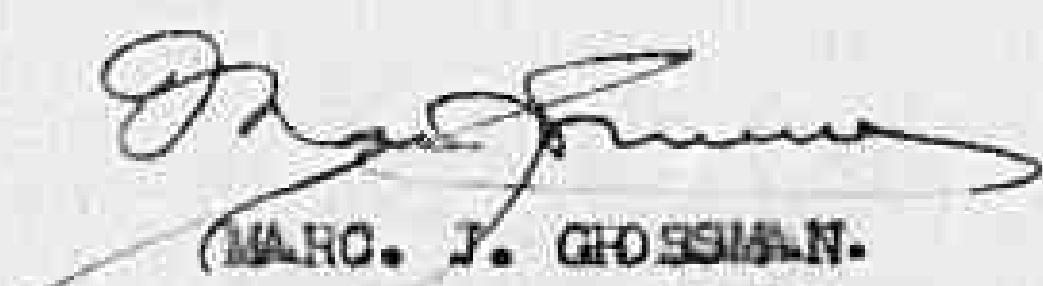
REFERENCE : ACC/4198/L.

SUBJECT : Re-occupation of Italian Controlled Territory.

TO : Regional Commissioners, Regions 1, 2, 6 and 7.

1. In anticipation of the possibility that it may become necessary to establish Allied Military Government in portions of the territory now controlled by the Italian Government we have requested R.C. & M.G. Section, A.C.C. to send you one thousand copies of each of the new notices 1 and 2 covering surrender of arms and curfew.

2. The foregoing proclamations and notices are provided solely for use in the emergency that it becomes necessary to establish Allied Military Government in your region.

  
(MARC. J. GROSSMAN.  
Major.  
for Chief Legal Officer.

HJG/wcw.

Copy to : R.C. & M.G. Section, A.C.C.  
File ACC/4027/2/L.

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

REFERENCE : ACC/4027/2/L.

SUBJECT :- Proclamation No. 4.

TO : Lt. Panelli, Printing Officer, H.Q., A.C.C.

4. May, 1944.

Enclosed herewith :-

- (a) Galley proof of Proclamation No. 4 approved with corrections.
- (b) English and Italian typewritten drafts.

33

MJY/vvw.

MARC. J. GROSSEMAN.  
Major,  
for Chief Legal Officer.

Colonel,  
for Chief Legal Officer.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

/gnd

ACC/4027/2/L

6 May 1944.

SUBJECT: General Orders No. 1 &amp; 2 - Galley Proofs.

TO : Lt. Penelli, Printing Officer, HQ ACC.

1. Enclosed herewith are typed copies of the English and Italian versions of General Orders Nos. 1 & 2.
2. These General Orders are of the highest priority along with the Proclamations, and request that galley proofs be placed into my hands forthwith.

MARC J. CROWLEY<sup>32</sup>, Major  
Chief Counsel.

12A

ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORY

PROCLAMATION No. 1

To the people of ITALY

Whereas in prosecuting their war against the Axis powers, it has become necessary for the Allied Forces under command of the Commander in Chief Allied Armies in Italy to occupy certain parts of Italy, and

Whereas in pursuance of the Armistice granted to the Italian Government by the United Nations, in order to preserve law and order and to provide for the safety and welfare both of such troops and of yourselves, it is necessary to establish Military Government in the occupied territory, to declare certain offences and to establish courts for the trial of persons committing any of such offences.

Now, Therefore, I, NOEL MASON MACFARLANE, K.C.B., D.S.O., M.C., Lieutenant General, Chief Commissioner Allied Control Commission, by virtue of the authority vested in me by Harold R. L. G. Alexander, G. C. B., C. S. I., D. S. O., M. C., General, Commander in Chief Allied Armies in Italy and Military Governor of occupied territory, hereby proclaim as follows: —

**Part I: - Establishment of military government**

**Article I** — All powers of government and jurisdiction in the occupied territory and over its inhabitants and final administrative responsibility are vested in the said Commander in Chief Allied Armies in Italy and Military Governor and the Allied Military Government of occupied territory is established to exercise these powers under his direction.

All administrative and judicial officials and all other government and municipal functionaries and employees and all officers

and employees of State, municipal or other public services, except such officials and political leaders as are removed by him, are required to continue in the performance of their duties, subject to his direction or the direction of such of his officers of the Allied Forces as may be deputed for that purpose.

**Article II** — All persons in the occupied territory will obey promptly all orders given by him or under his authority and must refrain from all acts hostile to the troops under his command or helpful to our enemies, from all acts of violence, and from any act calculated to disturb public order in any way. So long as you remain peaceable and comply with his orders, you will be subjected to no greater interference than may be inevitable in view of military exigencies and may go about your normal vocations without fear.

**Article III** — Your existing personal and property rights will be fully respected and your existing laws will remain in force and effect except in so far as it may be necessary for him in the discharge of his duties as Commander in Chief Allied Armies in Italy and as Military Governor, to change or supercede them by proclamation or order by him or under his direction.

## Part II: Offences

### **Article IV — Offences against the Allied Forces which may be punished by death**

Any person who:

- 1) Serves the enemy as a spy or harbours or aids an enemy spy;
- 2) Communicates with the enemy or with any person within territory under their control in any manner or on any subject whatever or enters any territory under enemy control;
- 3) Sends to any person anywhere any communication giving any information whatever concerning the Allied Forces; or receives any such communication and fails promptly to report the same to the Allied Military Government;
- 4) Bears arms against the Allied Forces;

5) Has in his possession any fire arms, ammunition, explosives, or similar war supplies except in accordance with a permit of the Allied Military Government;

6) Has in his possession any wireless or other apparatus for transmitting signals or other messages;

7) Misleads any member of the Allied Forces in the performance of his duties;

8) Assists a prisoner of war to escape or assists or conceals any prisoner of war after escape;

9) Assists any of the enemy armed forces to evade capture;

10) Enters or is found within any area designated as a forbidden area either by the posting of a sign, or by the presence of sentries, without a pass specifically authorising him to be there;

11) Destroys, damages, endangers, interferes with, steals or wrongfully either receives or has in his possession any property of the Allied Forces or of any member thereof to the aggregate value of more than 10,000 lire;

12) Interferes with communication by mail, courier, telegraph, telephone, cable, radio, or otherwise, or removes or damages any telegraph, telephone or electric power wire;

13) Interferes with transportation by land, water or air;

14) Interferes with the operation of any public service or utility, including water supply, electric light and power, gas and sanitation or similar services;

15) Kills any member of the Allied Forces;

16) Assaults any member of the Allied Forces with intent to kill or inflict serious bodily harm;

17) Commits any act of looting;

18) Robs the dead or wounded;

19) Rapes any nurse or other woman serving with the Allied Forces or assaults any such nurse or other woman;

20) Forges or alters any permit, pass, identity card or other similar document or issues or has in his possession any such document, the same having been forged or altered;

21) Incites any inhabitants of the occupied territory to insurrection against military authority, or organizes or leads any public demonstration or assembly for such purpose;

22) Counterfeits any coin or note made legal tender by the Allied Military Government, or has in his possessions any such coin or note knowing the same to be false; or

23) Otherwise violates any of the laws of war, or does any act in aid of the enemy or hostile to or endangering the safety or security of the Allied Forces;

shall upon conviction by an Allied Military Court, be liable to punishment by death, or by imprisonment or fine or both, as the court may determine.

**Article V — Offences against the Allied Forces punishable by fine or imprisonment**

Any person who:

24) Is out of doors without a permit after curfew;

25) Leaves the shore in any vessel or in any other manner except as authorised;

26) Gives false evidence before a Military Tribunal;

27) Destroys, damages, endangers, interferes with, steals or wrongfully either receives or has in his possession any property of the Allied Forces or of any member thereof to an aggregate value of not more than 10,000 lire;

28) Fails to declare within one month of the date of the posting of this proclamation the possession of any stores, equipment or military property abandoned by the enemy or of enemy origin;

29) Submits a false, fraudulent or exaggerated claim against the Allied Forces or any member thereof;

30) Publishes or has in his possession any printed or written matter detrimental or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government;

31) Utters any speech or words hostile or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government;

32) Assaults any member of the Allied Forces;

33) Takes part in any public demonstration or assembly not authorised by the Allied Military Government;

- 34) Falsely pretends to be acting under the authority of the Allied Forces or the Allied Military Government;
- 35) Offers or accepts a bribe in connection with any official matter;
- 36) Obstructs any member of the Allied Forces in the performance of his duty;
- 37) Acquires by gift or purchase any military equipment or war material belonging to the Allied Forces;
- 38) Disseminates any rumour calculated to excite or alarm the people;
- 39) Makes any false statement in connection with any official matter;
- 40) Removes or damages any notice, proclamation, or order posted under the authority of the Allied Military Government;
- 41) Fails to have in his possession at all times a proper means of identification as required by existing law;
- 42) Disobeys any order given under the authority of the Allied Forces or the Allied Military Government where no specific punishment is prescribed;
- 43) Promotes or attends any meeting of the fascist party; uses or permits premises to be used for any such meeting; prints or publishes or has in his possession any printed or written matter issued by or on behalf of the fascist party; teaches or advocates any doctrine of fascism; wears or has in his possession any badge, insignia or attire of the fascist party; makes or receives any subscription to the funds of the fascist party; takes or receives any oath or undertaking to the fascist party or does any act intended or likely to promote or sustain the fascist party, the term fascist party including any organisation designed to replace it;
- 44) Infringes any proclamation or order or any Italian law regulating or controlling the sale, purchase, distribution, allotment, rationing or transporting of any commodity or article;
- 45) Does any act to the prejudice of good order of the occupied territory or of the safety or security of the Allied Forces or any member thereof;
- 46) Until further order of the Allied Military Government

travels more than 10 Km. beyond his own home without a permit;

shall, upon conviction by an Allied Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct.

#### **Article VI — Other offences**

**Section I: Conspiracy, advising or assisting violation.** — Any person who conspires to do any act constituting an offence, or who advises, assists in, or procures the commission of any such act shall be punishable as a principal.

**Section II: Attempts.** — An attempt to do any act which constitutes an offence shall likewise constitute an offence which shall be punishable to the same extent as though the act had been committed.

#### **Article VII — Violation of Italian law**

Any person who violates or has violated any provision of Italian law may be brought to trial before an Allied Military Court and, on conviction, may be punished as provided by such law.

#### **Article VIII — Arrest and detention**

**Section I: Arrest and Search.** — Any authorized member of the Allied Forces may;

a) Arrest or search any persons suspected of having committed or being about to commit offences;

b) Enter and search any place and seize and take away any property for the purpose of investigating or preventing any offence or arresting a suspected offender.

**Section II: Detention.** — Any person suspected of committing or intending to commit any act hostile to the Allied Forces or the Allied Military Government or engaging in any political or other activity in the interest of the enemy or its Armed Forces or hostile to the Allied Forces or the Allied Military Government, may be detained pending further investigation.

for a period not exceeding three months unless the Regional Commissioner or Senior Civil Affairs Officer orders that the detention may continue for a longer period.

### **Part III: Courts**

#### **Article IX — Creation of Allied Military Courts**

Allied Military Courts are hereby established. Such courts shall consist of:

- 1) General Military Courts having power to impose any lawful punishment including death;
- 2) Superior Military Courts having power to impose any lawful punishment other than death or imprisonment for more than 10 years;
- 3) Summary Military Courts having power to impose any lawful punishment other than death or imprisonment for more than one year or a fine of more than 50,000 lire or both such imprisonment and fine.

Where a Superior or Summary Military Court imposes a term of imprisonment and a fine with a further term of imprisonment in the event of default, the aggregate of such terms shall not exceed 10 years and 1 year respectively;

#### **Article X — Jurisdiction**

The jurisdiction of the Allied Military Courts extends over;

- 1) All persons except:
  - a) members of the Allied Forces and
  - b) prisoners of war or persons treated as such;
- 2) All offences:
  - a) against the laws and usages of war,
  - b) under any proclamation, order or regulation issued under the authority of the Allied Military Government,
  - c) against Italian law.

#### **Article XI — General powers of courts.**

- 1) An Allied Military Court may make such orders and do all such acts and things as may be requisite for the due administration of justice.

2) An Allied Military Court, in lieu of or in addition to any other punishment, may

a) Where any person is convicted of the wrongful use, sale, purchase or possession of any property (including money), order restitution or compensation to the owner or confiscation or forfeiture of such property to the Allied Military Government;

b) Where any person is convicted of an offence involving the improper use of any place of residence or business, order that such place be vacated or closed for a period of time to be fixed by the court;

c) Order that a convicted person shall reside in or be excluded from a particular area.

**Article XII — Review and confirmation of death sentences.**

**Section I: Right of Petition.** — Any person convicted by an Allied Military Court may, within thirty days after the imposition of sentence, present to the trial court or the Provincial Legal Officer a petition, submitting reasons why the conviction should be set aside or the sentence should be modified.

**Section II: Sentence of Death.** — No sentence of death shall be executed unless and until confirmed in writing by me, or by a specified officer not below the rank of Brigadier General or Brigadier to whom I may have delegated such power in writing.

**Article XIII — Effective Date.**

This proclamation will become operative in each province or part thereof within the occupied territory on the date of its first publication therein.

Dated: 25 April 1944.

For the Commander in chief Allied Armies in Italy and Military Governor

NOEL MASON MACFARLANE

LIEUTENANT GENERAL

Chief Commissioner, Allied Control Commission

ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORY

PROCLAMATION No. 2

PROPERTY CONTROL  
CURRENCY AND EXCHANGE  
RATIONING - PRICE FIXING - WAGES AND AGRICULTURE

I, NOEL MASON MACFARLANE, K.C.B., D.S.O., M.C.,  
Lieut. General, Chief Commissioner, Allied Control Commission,  
by virtue of the authority vested in me by HAROLD R.L.G.  
ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Comman-  
der in Chief Allied Armies in Italy and Military Governor of the  
Occupied Territory, hereby proclaim as follows:

ARTICLE I.

**Appointment of Director of Property Control**

by the Chief Commissioner to carry out the powers and duties  
The Director of Property Control is the officer appointed  
hereunder or hereafter conferred upon him.

He shall have the power to take into his control any and  
all property of all forms and of every kind and description as  
directed by the Chief Commissioner.

ARTICLE II.

**Allied Property**

SECTION 1. — Cancellation of Italian Measures affecting  
Allied Property. All laws, decrees, orders or other measures ta-  
ken by the Italian Government to sequester, block, confiscate  
or otherwise discriminate against property situated in the Oc-  
cupied Territory, including obligations of debtors within the  
Occupied Territory, owned by any Government of the Allied

or United Nations, or the French Government or by the nationals of such states or Governments or in which any such Government or state or nationals have any interest are hereby abrogated.

SECTION 2. — Declaration of Property. All public officials of the Italian Government and all other persons in the Occupied Territory who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall:

a) Forthwith declare such property by delivering to the Director of Property Control a schedule or list describing the same;

b) Upon demand of the Director of Property Control turn over such property or the control, possession, or custody thereof to the Director or such person as may be designated by him;

c) Upon demand of the Director of Property Control turn over all books, accounts and records of the administration of such property during the period of Italian sequestration or other control to the Director or to such person as may be designated by him.

SECTION 3. — Maintenance and Care of Property pending Restitution. Until such a time as they are ordered to turn over any property which is the subject of this Proclamation, all persons who are charged with the administration, custody or control thereof shall be fully responsible for the maintenance thereof and for taking all necessary measures for safeguarding and preserving the same. All such persons shall, as demanded by the Director of Property Control, render regular reports as to the operations, custody and administration of the properties.

SECTION 4. — Consent as to Certain Action. No persons so charged with the administration, custody or control of such property shall take or suffer to be taken any action which shall materially affect the value or the income therefrom without the consent of the Director of Property Control.

2"

### ARTICLE III.

#### Protection of Allied Military Government

The Allied Military Government and its officers shall be under no responsibility to the owner of any property taken into control under this Proclamation, or to any person interested therein, to make good any loss of or damage to such property, however caused, or to compensate any such owner or other person for any loss suffered directly or indirectly by reason of the taking of control of such property.

### ARTICLE IV.

#### Penalties

No one shall knowingly and without authority:

a) Interfere with or obstruct the Director of Property Control or any of his Assistants in the exercise of any of their functions hereunder;

b) Interfere with, remove, damage, conceal or make away with any property which the Director of Property Control has taken or is authorized to take into his control;

c) Interfere with, remove, damage, conceal or make away with any property with intent to defeat, evade or avoid any responsibility, fine or punishment;

d) Withhold any information or any document which the Director of Property Control is entitled to receive, or make any false statement, or use or refer to any false document in order to mislead the Director of Property Control as to any of the matters which he requires to know for the purposes of this Proclamation.

### ARTICLE V.

#### Power to Void Transactions

The Chief Commissioner or any officer empowered by him may by order direct that any transaction made at any time with regard to any property, movable or immovable, shall be set aside.

and held null and void if, in the opinion of the C. of Commission or such officer empowered by him, the transaction was made to defeat, evade or avoid any provision of this Proclamation or any responsibility, fine or punishment imposed or to be imposed on any person or enemy government.

#### ARTICLE VI.

##### Currency

SECTION 1. — United States Coin and Currency and British Coin and Military Authority Notes. All United States coin and all United States currency bearing a yellow seal on the right side of the face of the bill and known as United States Yellow Seal Currency, and all notes bearing the inscription "British Military Authority" issued by the British Government, as well as all coins of Great Britain, are hereby made legal tender in the occupied territory and no person shall refuse to accept such legal tender for the payment of any amount.

SECTION 2. — Allied Military Lira Notes. Lira currency in the forms of Allied Military notes of the denominations: one, two, five, ten, fifty, one hundred, five hundred, and one thousand lire is hereby constituted and made legal tender for the payment of any amount in the occupied territory and no person shall refuse to accept such legal tender for the payment of any amount.

#### ARTICLE VII.

##### Regulations, Exchange and Foreign Trade

SECTION 1. — Rates of Exchange. The rates of exchange between the currency and coin mentioned in Section 1 of Article VI hereof and any form or denomination of Lira shall be as follows:

##### THE SCHEDULE RATES OF EXCHANGE:

1 Dollar in United States Coin or in United States Yellow Seal currency equals 100 Lire (all forms or denominations).

1 Pound Sterling or 20 shillings in coin of Great Britain or in British Military Authority Notes equals 4 dollars in United States coin or in United States Yellow Seal currency.

SECTION 2. — Exchange Obligatory. Within the occupied territory every person in the business of banking or the exchange of money, on demand of any holder of currency or coins described in Section 1 and Section 2 of Article VI hereof, shall exchange such currency or coins for lire in his possession at the rates specified in the Schedule without charging any commission or fee for making such exchange. No person shall refuse to accept at its face value any form or denomination of lira currency.

SECTION 3. — Prohibition of Other Rates. No transaction of any nature in which currency or coins described in Section 1 and 2, Article VI hereof are employed shall be entered into on the basis of rates of Exchange other than outlined by or under this Proclamation.

SECTION 4. — Transactions Prohibited. From the effective date of this Proclamation, except as authorized by the Allied Military Government from time to time:

a) All transactions in foreign exchange, and the import and export of any coins, currency, securities, and gold and silver bullion are prohibited.

b) All financial, commercial or other transactions involving trade or communication of any kind with any person outside the occupied territory are prohibited, save only that the same may be conducted with persons in those portions of unoccupied Italy which are freed from German control and domination, provided always that such dealings are in accordance with Italian law, and provided that they do not conflict with the specific orders or regulations issued by the Allied Military Government.

SECTION 5. — Exports, Imports and Possession of Foreign Exchange Prohibited. No currency and no coin of any country may be exported from or imported into the occupied territory except as authorized by the Allied Military Government.

Currency and coin of any country, other than the currency and coins described in Section 1 of Article VI hereof, may not be held, possessed, traded, exchanged, bargained or sold, but any such currency or coin must be delivered, against receipt, to the nearest Finance Officer for transfer to the Allied Finance Agency.

#### **ARTICLE VIII.**

##### **Rationing**

The present system of rationing will remain in force until further order of the Allied Military Government.

#### **ARTICLE IX.**

##### **Limitations on Wages and Maximum Prices**

All rates of wages for labour prevailing and all maximum prices for foodstuffs and goods officially in force in any locality on the day of the first publication of this Proclamation therein shall remain unaltered until further order of the Allied Military Government, and no person shall demand, receive or pay any sum for labour or purchases in excess of such rates or maximum prices.

#### **ARTICLE X.**

##### **Marking of Prices**

All persons engaged in the business of selling foodstuffs by retail to the public shall plainly mark the same with the price thereof.

#### **ARTICLE XI.**

##### **Agriculture Regulations**

All existing Laws, Decrees and Regulations relating to Agriculture will be strictly enforced and observed.

**ARTICLE XII.****Penalties**

Any person violating any provision of this Proclamation shall, upon conviction by an Allied Military Court, be liable to punishment by imprisonment or fine, or both, as the Court may determine.

**ARTICLE XIII.****Effective Date**

This Proclamation will become operative in each province or part thereof within the Occupied Territory on the date of its first publication therein.

Dated, 25 April, 1944.

For the Commander in Chief Allied Armies in Italy and Military Governor

NOEL MASON MACFARLANE

LIEUTENANT GENERAL

Chief Commissioner, Allied Control Commission

**ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORY**

**PROCLAMATION No. 3**

**GENERAL POLICE AND SECURITY REGULATIONS**

I, NOEL MASON MACFARLANE, K.C.B., D.S.O., M.C.,  
Lieut. General, Chief Commissioner, Allied Control Commission,  
by virtue of the authority vested in me by HAROLD R.L.G.  
ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Comman-  
der in Chief Allied Armies in Italy and Military Governor of  
the Occupied Territory, hereby proclaim as follows:

**ARTICLE I.**

**Regulation of Private Means of Communication**

**SECTION 1.** — Declaration of Radio Receiving Sets.  
Every person having in his possession any radio or wireless re-  
ceiving set or equipment, or any parts, accessories, or material  
used in connection with wireless reception, or any private tele-  
phone wire or telegraph wire or any carrier pigeons will declare  
the same within the time and at the place specified by official  
notice in each locality.

**SECTION 2.** — Possession Unlawful. From and after the  
date fixed by such notice it shall be unlawful for any person in  
that locality to have in his possession or custody any of the articles  
above-mentioned which have not been declared as required by  
Section 1 hereof.

**ARTICLE II.**

**Prohibition of Photography and Declaration of  
Photographic Equipment**

**SECTION 1.** — Photographing, Printing and Developing  
Forbidden. From the effective date of this order all persons in

the occupied territory are forbidden, except with a written permit of the Allied Military Government;

a) To take photographs of any sort, whether indoors or out-of-doors, and whether by still or cine or other type of camera;

b) To develop or print any photographic film or plate of any nature, whether received from members of the Allied Forces or from any other person.

SECTION 2. — Declaration of Cameras, Photographic Supplies, Telescopes and Binoculars. Every person owning or having in his possession or custody any camera or any photographic supplies, or any telescope or binoculars will declare the same within the time and at the place specified by official notice published in each locality. For the purpose of such declaration photographic supplies shall include:

Cameras - cine or still

Projecting apparatus

Developing and dark room equipment

Unexposed or exposed film, cine or still

Photographic paper and chemicals.

### ARTICLE III.

#### Regulation of Newspapers and Printed Matter

SECTION 1. — Publication of Newspapers and Printed Matter Prohibited Without a Permit. No newspaper, magazine, book, pamphlet or circular may be published or printed without a written permit issued under the authority of the Allied Military Government. Such permits will be either specific or continuing and will be issued under the authority of the Allied Military Government upon such terms and conditions as may be prescribed.

SECTION 2. — Importation and Exportation of Printed Matter. Importation into and exportation out of the Occupied Territory of newspapers, magazines, books of other printed matter is prohibited except under permit issued under the authority of the Allied Military Government.

**ARTICLE IV.****Meetings and Assemblies**

**SECTION 1.** — Meetings and Assemblies prohibited except as hereinafter provided. No person shall promote or attend any public meeting, theatrical, moving picture or other representation or performance, any public assembly or other public gathering, whether indoors or out-of-doors, or any parade or demonstration for which a written permit has not been granted. Such permits will be either specific or continuing and will be issued by or on the authority of the Allied Military Government upon such terms and conditions as may be prescribed. The foregoing prohibition shall not apply to the following:

Meetings for religious purposes, including baptisms, weddings and funerals; the operation of courts of law, universities, schools and educational establishments; and the ordinary and usual functions of government.

**SECTION 2.** — Power of Civil Affairs Officer or other Officer to Disperse Assemblies. Notwithstanding the issuance of any permit, any Civil Affairs Officer, if he has any reason to believe that public disorder will ensue or that the safety of the Allied Forces is threatened, may order any meeting, performance, assembly, or parade to be suspended or terminated and require all persons present to disperse. Any such order will be complied with immediately by all persons present.

**ARTICLE V.****Flags and National Anthems**

Display of Flags and Singing of National Anthems. The public display of any flag or colours of any nation which is at present actively prosecuting war against any of the Allied or United Nations and the public singing and playing of the national anthem and any other patriotic or political song or music of any such country are prohibited.

**ARTICLE VI.****Black-out Regulations**

All existing laws and regulations relating to «black-out» will be strictly enforced.

**ARTICLE VII.****Penalties**

Any person violating any provision of this Proclamation shall, upon conviction by an Allied Military Court, be liable to punishment by imprisonment or fine, or both, as the Court may determine.

**ARTICLE VIII.****Effective Date**

This Proclamation will become operative in each province or part thereof within the occupied territory on the date of its first publication therein.

Date, 25 April, 1944.

For the Commander in Chief Allied Armies in Italy and Military Governor

NOEL MASON MACFARLANE

LIEUTENANT GENERAL

Chief Commissioner, Allied Control Commission

ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORY

PROCLAMATION No. 4

CLOSING OF FINANCIAL INSTITUTIONS  
AND ESTABLISHMENT OF MORATORIUM

I, NOEL MASON MACFARLANE, K.C.B., D.S.O., M.C.,  
Lieut. General, Chief Commissioner, Allied Control Commission,  
by virtue of the authority vested in me by HAROLD R.L.G.  
ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Comman-  
der in Chief Allied Armies in Italy and Military Governor of  
the Occupied Territory, hereby proclaim as follows:

ARTICLE I.

Closing of Financial Institutions

SECTION 1. — Closing of Institutions. Except as provided  
in Section 2 and 3 hereof, every company, institution, corpora-  
tion, body or person within the occupied territory engaged in  
the business of receiving and paying out deposits, making loans,  
selling or purchasing securities, exchanging money, dealing in  
foreign exchange, maintaining safe deposit facilities or trans-  
acting any other form of financial business shall forthwith sus-  
pend any and all such business and the premises shall be closed.  
The re-opening of all such business shall be upon such terms  
and conditions and the transacting of further financial business  
shall be subject to such restrictions as the Chief Commissioner  
or any officer empowered by him may from time to time prescribe  
by order. Such orders may be of general or specific application  
and may be notified by public announcement or by written

communication addressed to any company, institution, corporation, body or person concerned.

SECTION 2. — Banking Institutions. Banking Institutions are authorised to engage in the following transactions:

- a) Accept payments of amounts due to such banking institutions;
- b) Permit withdrawals in cash for payment of impost, taxes and social insurance contributions;
- c) Permit withdrawals in cash, when authorised by local representatives of the Allied Military Government, from the accounts of the following:
  - (i) Official governmental accounts of the State, Provinces and Communes;
  - (ii) Social Insurance and social Welfare Institutions;
  - (iii) Consorzi;
- d) Receive accounts and otherwise conduct new business with respect to persons and Institutions described in subsection (c) hereof.

SECTION 3. — Social Insurance and Welfare Institutions. Every company, institution, corporation, body and person engaged in the administration of any Social Insurance or Social Welfare Scheme shall continue to receive and collect all contributions payable under any such Scheme, and to make all benefit, indemnity and other payments due or payable under any such Scheme except payments of family allowances to dependants of:

- (a) Persons engaged in military service;
- (b) Unparoled prisoners of war; and
- (c) Italian workers in Germany or other enemy or enemy occupied territory.

## ARTICLE II.

### Moratorium

SECTION 1. — Obligations Affected. A moratorium is hereby proclaimed in respect of all debts, claims, deposits and

all other obligations for the payment of money. The Chief Commissioner or any officer empowered by him may by general or specific order suspend or terminate the above moratorium in respect of any obligation or class of obligations or in any part of the territory.

SECTION 2. — Obligations Not Affected. The moratorium herein imposed shall not apply to:

- a) Any obligation affected by the said moratorium when the total amount due and to become due under such obligation does not exceed 5,000 lire, excepting obligations of financial businesses as defined in Article I of this Proclamation;
- b) Any sums for wages or salaries payable monthly, or at less intervals;
- c) Any payments required or permitted to be made by Section 2 or Section 3 of Article I of this Proclamation.

SECTION 3. — Effect of Moratorium. During the period of the moratorium, obligations affected by this proclamation are suspended and extended for the said period. No rights or powers shall be exercised at any time with respect to such obligations solely by reasons of their non-performance as a result of this Proclamation. Subject to the extension hereby granted, all such obligations shall be of full force and effect upon the termination of such moratorium. The moratorium shall not apply to obligations entered into in any place within the occupied territory after the date on which this Proclamation shall come into force in such place.

### ARTICLE III.

#### Penalties

Any person violating the provisions of the Proclamation shall on conviction by an Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine.

**ARTICLE IV.****Effective Date**

This Proclamation will become operative in each province or part thereof within the occupied territory on the date of its first publication therein.

Dated, 25 April, 1944.

For the Commander in Chief, Allied Armies in Italy and Military Governor

NOEL MASON MACFARLANE

LIEUTENANT GENERAL

Chief Commissioner, Allied Control Commission

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/4027/2/L

24 April 1944

SUBJECT: Proclamations.

TO : Col. E.M.M. Maxwell, Civil Affairs Branch, G.H.Q., M.E.F.

I am enclosing one copy of each of the consolidated proclamations  
Nos. 1, 2, 3, & 4.

I am sending this by hand of Col. Young.

G. R. UPJOHN  
Colonel  
Chief Legal Officer.

8

Not sent

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
ECONOMIC SECTION  
APO 394

HJW/adv

7 April 1944.

SUBJECT: Revision of Proclamations.

TO : Chief Legal Officer.

1. Article 2 of Proclamation No 8 and Article 3 of General Order No 4 provide that price ceilings shall be frozen at the level prevailing on July 9, 1943.

2. It is suggested that in the future, when new territory is occupied by the allied forces, price ceilings be retained provisionally at the level prevailing before occupation, but that they be subsequently modified to bring them in line with those prevailing in the King's Italy.

3. Such modification should proceed either rapidly or slowly and by stages, in whatever way the local or regional supply officers believe will cause least confusion. The process of change should not, however, be delayed longer than necessary.

*[Signature]*  
D. S. ADAMS,  
Colonel, C.E.,  
Executive Officer,  
Economic Section.

*Received.*  
1400 hrs 17/4/44

HEADQUARTERS REGION  
ALLIED MILITARY GOVERNMENT

A. P. O. 394

HGT/red

TO : C.I.O., A.C.C., Rear HQ.

FROM : R.I.O. Region 4.

SUBJECT: Draft Proclamations.

REF : R4/Ls/Rag/D/1.

DATE : 5 April 1944.

Major Grossman.

- ① I have taken action on paras 7 & 8  
② As to para 9: No doubt you have a formula for the other pieces: & they should all be in the same form  
③ Action on all other paras of this letter left to you.

1. Lashby  
11 April 44

(Major Grossman has seen almost this letter requires no further action by him)

1. Reference the draft proclamations handed out at the C.I.O.'s conference on 3 April 1944 for comment by R.I.O.s.

2. These drafts are returned herewith and this Division's comments thereon are set out below. As the drafts have as yet no numbers or names they are referred to respectively in this letter as:-

- a) General Rights.  
b) Legal  
c) Property  
d) Security.

✓ 3. No draft of a Financial Proclamation (to replace existing proclamations 3, 5, 10, and 12) has been received. Will one be sent to us?

✓ 4. Nothing has been found which covers or reproduces the existing Proclamation 8. Is anything being produced to this effect?

✓ 5. Identity Cards. It is observed that Article III of existing Proclamation II has been cut out and that there is no provision requiring identity cards. Yet failure to have one is made an offence under Sec. 41 of the NEW Legal Proclamation.

✓ 6. Should not the gist of existing Proclamation 13 be included in either the new General Rights or the new Legal Proclamations?

7. New Legal Proclamation. The following points and suggested amendments are made.

Sec. 2. The words "or enters any territory under enemy

✓  
4027/2

GA

Major Grossman

ditto

ditto

in the  
Security  
Proclamation

ditto

Major  
Caplan

control" should be added. It has been found by practical experience that Italians in front line areas go into the enemy lines and that although the physical fact of their presence there can be proved it is not possible to prove communication with either the enemy or any person.

Yes ✓ Sec. 7. See comment on Sec. 36 below. (bth)

Yes? ✓ Sec. 13. Should not this read:-

or air". "Interferes with transportation by land, water,

As at present set out in the draft the words "road" and "railroad" are limiting. Would they include a pack mule train in the mountains or an infantry boat ferrying supplies across an inland river? The word "sea" would not cover the latter; nor would the word "land", but "water" would.

NO Sec. 15. To meet the point raised at the C.I.C.S conference of 3 April 1944 should not the word "unlawfully" be inserted?

Yes - done Sec. 17. Should not this be "act" in the singular?

Sec. 20. Should not the word "such" be inserted on the third line between the words "any" and "forged" to make the meaning of the second half of the clause clear?

Yes ✓ Sec. 28. This section as drafted is not clear. What is the date of this proclamation? Surely it should be extended to "of the date of the posting of this proclamation". For otherwise if the month is to be reckoned from the date of signing, time will start to run against the inhabitants of enemy occupied territories.

(bth) A.F.P. ✓ Sec. 34. The words "or of the Allied Forces" should be added. Otherwise the section is too limited. This division has handled the case of an Italian who falsely pretended to be acting under the authority of a Field Security Section in a Division. The words "Allied Military Government" alone could not catch him under this section.

Member ✓ Sec. 36. Is there intended to be any distinction between the word "Troops" as used in section 7 and the word "member" as used in this section. If the latter is more extensive would it not be more profitably employed in Sec. 7?

Yes ✓ Sec. 38. Insert the word "any" before the word "rumor". Article V Section 2. Why is it "Allied Forces" alone in line 2 and "Allied Forces or Allied Military Government" in lines 3 and 4? Surely Allied Forces includes Allied Military Government.

NO ✓ Article VII Section 2. Should not power to confiscate be limited according to the Jurisdiction of the Court with regard to Fines--e.g. a Summary Court should not be empowered to confiscate anything valued at more than 50,000 Lire.

(Practical difficulty -  
How to value rumormongers?  
Suggest NO

(9A)

NO

8. The rights of defendants (as stated in existing Proclamation 4, Article IV, section 2) should surely be republished in the new Legal Proclamation.

?

Usual

9. Should there not be some statement in the new Legal proclamation as to its effective date, i.e. date of publication or posting?

Major  
Cassman

10. In Art. IV, sect 2, of the new Security Proclamation "Civil Affairs Officer" should read "Officer of the Allied Military Government".

H. L. Linnner

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

L

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Sub-Commission  
APO 394

FILE

8A

ACG/4027/2/L

ICHC/jpl

Subject : Modification of AMG Fire Arms Proclamation.

To : NC &amp; MD Section, HQ, ACG.

In reply to your letter 278/38/CA of 2 April 44.

1. The proposal put forward by the Regional Commissioner No. 3 Region was considered at a recent conference attended by the CLO, DCLO, RLOs and SLOs of Armies and other legal officers and it was unanimously agreed that it would be very unwise to issue any Proclamation or Order as suggested on the grounds that to do so would be to open too large a loop hole.
2. It will be observed that the offence created by Proclamation 2 Article I (5) is to have possession of fire arms etc-----" except in accordance with a permit of the Allied Military Government." The desired object, could, therefore be achieved by a system of permits; and this is the course adopted in No. 1 Region, where farmers who had handed in firearms were permitted to withdraw one shotgun, and to have up to 10 cartridges.
3. I would add, however, that this question has today been discussed with Public Safety who are strongly opposed to the restoration of firearms to farmers whether by means of such permits or otherwise.

3

GERALD R. UPJOHN

Colonel  
Chief Legal OfficerCopy to: Public Safety  
Sub-Commission. *[Signature]*

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.G. Section  
APO 394

Level  
Proclamation Commission  
of all letters the order  
to be enclosed by 75

75

Ref/278/83/CA.

2 April 1944.

SUBJECT: Modification of AMG Fire-arms Proclamation.

TO : V.P. Admin. Section - For Legal Sub-Commission.

1. Herewith is enclosed copy of letter received from R.C. Region III.
2. Will you please draft a proclamation or order in line with this approved suggestion.

*M. S. Lush*  
M. S. LUSH  
Brigadier,  
Executive Commissioner.

Incl.  
Letter dated 26 Mar 44  
from R.C. Region III.

C O P Y

HEADQUARTERS  
REGION 3, ALLIED MILITARY GOVERNMENT  
APO 394.

26 March 1944.

SUBJECT: Suggestion that AMG proclamation be modified.

TO : Executive Commissioner, A.C.C. Hqs.

1. There is submitted for your consideration the suggestion that AMG proclamation be modified by your order so that persons living on farms may lawfully have one shotgun with a limited number of cartridges. Your order could apply only to areas below the rear boundaries of the Armies.

2. The farmers are now at the mercy of criminals. They want to protect their homes and livestock.

3. It is believed that in other regions of Italy permission has been granted to farmers residing on farms to retain one shot gun.

(Signed) CHARLES POLETTI  
Lt. Colonel  
Regional Commissioner.

CP:TT

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