

2130

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

785016

ACC

10000/142/266

PROCLAMA
THEREON
APR. 1944

2181

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

785016

0000/142/266

PROCLAMATION NO. 1, INTERPRETATION, ETC., & CORRESPONDENCE
THEREON
APR. 1944 - APR. 1945

29A

REPUBLICAN MILITARY COMMISSION

200 394

CIVIL RIGHTS SECTION

13. April 1945.
/at.

AC/4027/4/L.

SUBJECT: Interpretation of Proclamation No. 1, Art. V, Sec 46 - Restriction
of Civilian movement.TO: Regional Commissioners TUGELA, BULLE, FIDICUM, KOBLODA AND VANDER
Regions: 5th and 8th Armies IV Corps.

1. Procl. 1, Art. V, Sec. 46 provides that any person who travels more than 10 Km beyond his own home without a permit is guilty of an offence.
2. The general intention of the section is quite clear: namely to prohibit any person from travelling to any place more than 10 Km from wherever he may be living upon the coming into force of the Proclamation. The word "home" must not be construed too narrowly.

3. The point may be of importance upon the liberation of Northern Italy. It is to be anticipated that there will be a large number of refugees throughout the countryside. The policy is to prohibit movement of refugees and to require them to remain at the place where they happen to be upon the arrival of the Allies: and they will be ordered to remain there until they receive further instructions. For the purpose of Sec 46, that place, be it a friend's house or an organized camp or any other place, becomes "home": and any person who travels more than 10 Km from that place is guilty of an offence under Section 46.

4. Please bring the above comments to the attention of all Legal, Public Safety and other interested officers serving under your command.

By command of Rear Admiral STONE:

R. F. Borden

C. R. UPDELL, Brig.
W. C. S. S., Hq. S.

(28A)

ADMINISTRATIVE COMMISSION
(AV) 394
LEGAL SUB-COMMISSION

IGHO/pa.
14 Mar 45.

AG/4027/L/L.

SUBJECT : Title to PX - NAATI Articles.

TO : Regional Commissioner, TOSIANA Region.
(for Regional Legal Officer)

1. Reference RVIII/19/3008 of 8 March 1945. (1st Ind to letter from FLD Siena).

2. The question raised by the above is under consideration and it is hoped to issue a considered opinion on the subject soon.

By command of Rear Admiral STONE :

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

45

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(27A)

AG/4027/4/L.

/mt.
29 January 1945.

SUBJECT : Construction of Proc. 1, Art. V, Sec 41.

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

1. Reference your letter RVIII/19/3008 dated 25 Jan 45.
2. It is feared you may have mislaid the directive issued under AG/4027/2/L of 12 June 44 which fully covers the point in question and further copy is therefore enclosed.

By command of Rear Admiral STONE:

W. E. Behrens 44
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl: Directive dtd 1 Jun 44.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

267

AC/4027/1/1.

/pa.
29 Jan 45.

SUBJECT : Proc. 1, Art. V, Sec 41, Means of Identification.
TO : Regional Commissioners (Attn: Regional Legal Officers),
EMILIA, LIGURIA, PIEMONTE, LOMBARDIA and VENETIA Regions.

1. Enclosed herewith is a copy of a Directive issued by Senior Legal Officer, 5th Army on 1 Jun 44 on the correct interpretation of the new proclamation No. 1, Art. V, Sec 41.

2. This Hq entirely agrees with the directive which should be adopted generally.

By command of Rear Admiral STONE :

W. S. BARNES,
Colonel,
Deputy Chief Legal Advisor.

43

Incl: Directive dtd 1 Jun 44.

HEADQUARTERS REGION VIII

ALLIED MILITARY GOVERNMENT

25A

File Ref :

Date: 25 January 1945.

RV11/19/2008

SUBJECT: Construction of Proc. 1, Art. V, Sec. 41.

TO : Chief Legal Advisor, Legal Sub-Commission, Hqtrs. AC. ✓

1. May we be advised authoritatively as to the provisions of "existing law" within the meaning of Proclamation 1, Article V, Section 41? There is a sharp division of opinion on this subject, which is one of import in this area. In fact, the subject could be clarified with profit to other Regions.

2. We are enclosing for your information correspondence had by this office relating to the topic. May it be returned to us for our files?

For the Regional Commissioner:

JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer

42

HEADQUARTERS
27 JAN 1945
A.

LEGAL SUB-COMMISSION
CLO
CLO
Chief Counsel
CLO
Hon. Sec. Gen.
CL RKS

28 JAN 1945

1st. Ind.

RVIII/19/3008

Regional Legal Officer, Toscana Region 18 January 1945.
 TO : MAJ. M.C. HOLT, O/C ITALIAN COURTS.

1. In the case referred to in basic letter, accused was charged with violation of Proclamation I, Art. V, Sect. 41, which reads, - "any person who (41) fails to have in his possession at all time a proper means of identification as required by existing law, shall," etc. The particulars under the charge alleged "in that he (accused) in Pontassieve, about 11:00 hrs on the 22nd Nov. 44, was found without an identification card contrary to AMG Order".

In defense, the accused stated he had been taken away by the Germans and had not time to get an identity card.

2. The Provincial Legal Officer, Florence Province, states summarily that the conviction is wrong.

3. It is our understanding of the law that every Italian is required at all time to have an identity card. He is not required to have it in his possession in his home. He is required to have it in his possession all other times.

4. Please consult with the highest proper Italian Official in Florence and give us his statement of the law on this topic.


 JOHN K. WEBER,
 Colonel, Infantry
 Regional Legal Officer.

22 Jan. 45.

2nd Ind.

AR/21/d404

To: Regional Legal Officer, Toscana Region.

1. Reference para. 3 above, the Italian law does not require every Italian to carry in his possession at all times an identity card or other means of identification.
2. The 'existing law' only obliges him to produce a proper means of identification if he wishes to register at a Hotel, apply for ration cards in a strange commune, to conform to certain travel restrictions etc. etc.
3. It is not an offence under Italian law to be found without an identification card, therefore it is impossible for the prosecution to prove an 'existing law' which would support a conviction.


 M.C. Holt Major
 Officer i/c Italian Courts
 Toscana Region.

RVIII/19/3008

HEADQUARTERS
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

25c

LEGAL OFFICE NO.

36

FL/1

12 December 1944

SUBJECT: Reviews

TO : R.L.O. 34., AGS, Toscana Region

I am forwarding record in the case of TURCHI Fabiano.
The conviction on the first charge of being without an identification card is wrong.

Henry L. Glenn
HENRY L. GLENN, Major, JAGD.,
Legal Officer for the Province
and City of Florence

HLS/FV

Encl.

40

Rum/19/3008/2045

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4027/4/L.

/rlp.
11 October 1944.

SUBJECT : Proclamation No. 1 (Amended).

TO : Civil Affairs Sec (Attn: Maj. Reakes).

Herewith the Italian version of Proclamation No. 1 (Amended) duly corrected to conform with the English version.

Incl.

MARC J. GROSSMAN,
Lt. Col., Spec-Res,
Chief Counsel,
for Chief Legal Advisor.

39

4027/7

(22A)

1 Sept 1944.

Supplies Nos 1 and 2 of letter
(Topsecret) from R.C. Region XII
dated - Reference RXII/032.13. in
file 4134/L in safe.

(21A)

TO: LEGAL

Subject: Proclamation in Prov. Pola, Trieste & Gorizia.

1. V.P. has directed that a proclamation without the more recently approved preamble will require to be used in the above mentioned provinces, but with preamble as letter to use.
2. Will you please prepare the text for such a proclamation for signature of Deputy Military Gov, and make the necessary corrections to attached for printing.
3. It is proposed that a Vasin is shown to be prepared, the arrangement for translation will be dealt with by this section.

20 Sep 44.

R. R. Gajps
C1.

4027/4
HEADQUARTERS
ALLIED CONTROL COMMISSION
R. & M.G. Section
APO 394

Ref/278/304/CA.

23 Sept. 44.

SUBJECT: Proclamation No.1.

TO : Legal Sub-Commission (For ^A Col. Grossman)

Herewith final Proof of Proclamation No.1 for checking.
Please return after checking so that we may instruct the
Printer to run off the required copies.

Take by hand
to R.C. & Sec

1200 hrs. 23/9/44

John E. Fiske
✓
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 396

100/1021/1/1.

19A
22 Sept 48

SUBJECT : Proclamation No. 1 (amended).

TO : R. C. & M.C. Section.

1. Herewith Proclamation No. 1 (amended).

MAJOR J. CROSTMAN,
Lt. Colonel,
Chief Counsel,
for Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

21 September 1944.

ACC/4027/L/L.

SUBJECT : Proclamation No. 1 (Revised)

TO : R.C. & M.G. Section.

1. As you are no doubt aware the Acting Chief Commissioner has directed that the present issue of Proclamation No. 1 (Revised) should not be published in any territory.

2. Such action as you think necessary will be taken to dispose of the 40,000 copies of this proclamation which you have in your possession.

3. Proclamation No. 1 (Revised) will be posted in all future territory to be occupied, with the exception of the six provinces in Region 12, in the form of the accompanying draft.

4. Will you please arrange for the printing of this proclamation as in the accompanying draft as a matter of extreme urgency. The Acting Chief Commissioner has directed that, if possible, the printing of this proclamation be NOT undertaken by the firm of printers who printed the original proclamation.

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

35

SECRET

17A

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4027/4/L.

/rlp.
19 September 1944.

SUBJECT : Proclamation No. 1.

TO : VP, Admin Sec.

1. The second paragraph of the preamble to Proclamation No. 1 reads as follows:

"Much of this territory has already been restored to the jurisdiction of the Italian Government and it is the intention that all territory freed from German domination shall be restored as soon as possible, to the jurisdiction of the Italian Government."

2. Exception has been taken to the use of the word "all" in the second line as possibly inferring an intention to restore all Italian territory recovered from the Germans, whereas more recent public statements have thrown some doubt on this as to some of the territory in the northeast.

3. This preamble was prepared by this sub-commission and approved by the Political Section before the proclamation was signed in the revised form.

4. I understand that Proclamation No. 1 has been printed--40,000 copies--but not distributed. These copies are ready for shipment now.

5. If the word "all" were blocked out entirely or if there were a complete reprinting and the word "additional" were substituted for "all", the question would be answered. Of course the Italian corresponding words *would* have to be dealt with in the same way.

6. Whether or not the posting of the proclamation with the word "all" contained would give rise to political repercussions, I could not say. Certainly it would have no legal force at all as the word is used in a clause expressing intention only, even if a proclamation could be considered as having any legal effect in a matter of this kind.

7. Please advise me if any change is to be made.

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

SECRET

HEADQUARTERS
ARMED OFFICIAL COMMISSION
LEGAL SUB-COMMISSION
APO 394

100/1027/1/L.

WEL/pe.
1 Sept 44.

SUBJECT : Proclamations Nos. 1, 2, 3 and 4.
TO : R.C. & M.C. Section (att. Maj. Reakes).

1. According to instructions to proceed from Brigadier C.M. HUGHES herewith proclamations required by Executive Commissioner to arrange for signature by General Alexander.

2. As you were informed one original and two copies are required for this purpose. Enclosed herewith are:

(a) Original and two copies of Proclamations Nos. 2, 3, and 4.

(b) Original of Proclamation No. 1 as supplied by you.

3. You will no doubt have available and will attach the two additional copies of Proclamation No. 1.

No copy of
Proc 1 available
for the file

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

33

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(ISA)

ACC/ 4027/4/L.

/gb.
24 Aug 44.

SUBJECT: PROCLAMATION N°1 (REVISED).

TO : P.C. & M. G. SECTION.

1. Herewith galley proof of the above approved as corrected.

2. We are not in a position to give you any estimate of the number thereof to be printed.

1 Encl: Galley Proof
Proc. N°1

MARC J. GROSSMAN,
Lt. Col,
Chief Counsel
for Acting Chief Legal Officer.

4027/4

23A

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

Phone
1-7830

Ref/278/251/CA.

21 August 1944.

SUBJECT: Proclamation No.1 (Revised).

TO : Legal Sub-Commission.

Reference conversation Lt.Col. Crossman - Major
Reakes, Proclamation No.1 (Revised) is being held up awaiting
further amendments to be issued by you.

Howard Reakes - May

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

4027/4

(2A)

PREAMBLE TO PROCLAMATION NO. I

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

PROCLAMATION NO. I (Revised)

To the People of Italy

In the course of their war against the Axis powers the Allied Forces under command of the Commander in Chief Allied Armies in Italy are freeing the territory of Italy from German domination.

Much of this territory has already been restored to the jurisdiction of the Italian Government and it is the intention that all territory freed from German domination shall be restored as soon as possible to the jurisdiction of the Italian Government.

This restoration and the complete expulsion of the German Forces from the whole of Italy will be achieved more quickly if you display the same courage, determination and discipline in co-operation with the Allied Forces that you displayed in resistance to the German Forces when they were in occupation.

In order to hasten the date of this restoration and of final victory, steps must be taken to ensure the reconstitution and continuance of the administration of the country which the German Forces have attempted to disrupt and to provide for the safety and welfare of yourselves and of the Allied Forces and to preserve the law and order which are essential to military operations.

For these purposes a Military Government must be established in this territory until it can be restored to the Italian Government. This Military Government will have full control over the administration of this territory and will have power, if necessary, to try in its own Courts any persons who commit offences against any of the special provisions which at this time are essential to the safety of yourselves and of the Allied Forces and for the successful prosecution of the war.

Now, therefore, I, etc.

HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUBCOMMISSION
APO 394

11A

ACC/40-7/4/L

RHW/ap
12 Aug 44

SUBJECT : Proclamations No.1 (Revised), No.2 (Revised)
and No.4 (Revised).

TO : RC & MG SECTION.

1. Enclosed herewith copies of Proclamations No.1 (Revised) No.2 (Revised) and No.4 (Revised), all of which have been duly executed by Captain Stone.
2. Also enclosed are Italian translations of each.
3. Since there may be some further slight revision thereof, it is suggested that the minimum number of copies be now printed consistent with the anticipated needs in the forward area.

RICHARD H. WILMER,
Colonel, GAC.,
Acting Chief Legal Officer.

29

Copies to : ACC/40-7/5/L
ACC/40-7/7/L

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

Tel. No. 563
ACC/4027/4/L

WEB/ap
10 Aug 44

SUBJECT : Proclamations.

TO : Col. G. R. UPJOHN, Adm. Sec.

1. Herewith my suggestions for Proclamation 1.
2. Acting Chief Legal Officer agrees with this. He thinks it contains enough nonsense but adds that, if necessary, it is possible to continue in the same strain almost indefinitely.

W. E. BEHRENS, Colonel,
Acting Deputy Chief Legal Officer.

H. I. J. PARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

14A

Ref/276/

16 July 1944

SUBJECT: Proclamation No. 1

TO : R.C. Region V

1. Reference your IS/511/17 of 7 July 44 when Proclamation No. 1 New series was printed all copies had to be returned to the printers for 2 amendments to be made, viz:

- a. The addition of Para 46 Arto. 5(?).
- b. For the addition of an O to the 5000

2. As it appears that you have some copies without the second amendment it may be that you were accidentally sent some totally unamended copies i.e. without para 46.



NORMAN E. PISKE
Colonel
Deputy Executive
Commissioner

27

Copy to:

Admin. Sect. (for Legal Sub-Comm.)

1. When Proc 1 (New Series) was printed ^{104.} ¹⁵⁰ two amdt's were necessary (addition of para 46 & addition of "O" to 5000 line).
2. All copies were supposed to go back to printers to have these amdt's done.
3. The letter from RLO makes me uneasy in case an unamended bundle (without either amdt) got sent to Reg. 5 in error.
4. I have spoken to Major REAG (AC MA): he will write to Reg 5 to confirm that such a mistake did not take place.

K.

13 Jul 44.

4027/34

Legal

(12)

TO : ALL FLO' (except Foggia and Campobasso) through PCs.
 FROM : HQ Region 5 A.M.O.
 SUBJECT : Proclamations.
 REF : RE/511/17.
 DATE : 7 July 44.

1. It appears that in some copies of Proclamation I this is a misprint in para 5 of Part III Art. IX where the figure of 50000 Lire is shown as L. 5000.
2. Please check before posting and if necessary amend.

For Regional Commissioner

See my note
attached hereto

K. 13 Jul 44.

W. E. BEURENS

Col.
R.L.O.

26

/

/

le

/

Copy to: R.C. & M.G. Sec.
 Legal Sub-Commission.
 WEB/LL

9675

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

11A

12 June 1944.

REFERENCE : ACC/4027/2/L.

SUBJECT : Proclamation No. 1 Art. V Section 41 - Means of Identification.

TO : R.L.O. (thru Regional Commissioner), Region 5.
~~W.A. 4027/2/L.~~ S.L.O., A.M.G., 8th Army.

1. Enclosed herewith is a copy of a directive issued by Senior Legal Officer, A.M.G., 5th Army, on the correct interpretation of the new proclamation 1, Art. V, Sec. 41.

2. This Headquarters entirely agrees with the directive which should be adopted generally.

LDHC/wcw.

Gerald R. Upjohn
GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

Copy to : R.L.O. Region VIII.
S.L.O., A.M.G., 5th Army - (with acknowledgments)

HEADQUARTERS
AMG FIFTH ARMY (FIELD)
LEGAL DIVISION
APO 464 U.S. ARMY.

1 June 1944
208/CA/7.

SUBJECT: Proclamation No. 1. Art. 11. Sec 41 - means of
Identification.

TO : All SCAGs and PCs Littoria, Rome Province, Viterbo
(For Legal Officers).

1. Advice has been requested as to the effect of the above section of new Proclamation No. 1 which provides that any person commits an offence who fails to have in his possession at all times a proper means of identification as required by existing law". It will be observed that the express reference to an "identity card" which appeared in old Proclamation No 2. Art 11. Sec 41. and old Proclamation No 11. Art 111. is now omitted and is replaced by the wider term "means of identification".
2. Existing Italian law does NOT require possession of a 'Carta di identità', except in the case of dangerous or suspected persons, who may be compelled by the police to hold such means of identification, and of persons employed in a few specified trades. Other citizens over the age of 15 can obtain a 'carta di identità' from the Podestà of their Comune on request but are under no legal obligation to do so.
3. Regolamento di sicurezza pubblica No. 310 provides that a "Carta di identità" or equivalent documents of identification must be produced to the police on demand. "Equivalent documents" are defined as including any document carrying a photograph of the holder and issued by a State administration e.g. "libretto ferroviario" which is furnished to all civil and military state employees, "tessera di riconoscimento", "tessera della M.V.S.N.", arriving licence, arms licence, passport or any other document in which the holder's identity is certified in writing by a department of the State administration.

is replaced by the wider term means of

2. Existing Italian law does NOT require possession of a 'Carta di identità', except in the case of dangerous or suspected persons, who may be compelled by the police to hold such means of identification, and of persons employed in a few specified trades. Other citizens over the age of 15 can obtain a 'carta di identità' from the Podestà of their Comune on request but are under no legal obligation to do so.

3. Regolamento di sicurezza pubblica No. 310 provides that a 'Carta di identità' or equivalent documents of identification must be produced to the police on demand. "Equivalent documents" are defined as including any document carrying a photograph of the holder and issued by a state administration e.g. "libretto ferroviario" which is furnished to all civil and military state employees, "tessera di riconoscimento", "tessera della M.V.S.N.", driving licence, arms licence, passport or any other document in which the holder's identity is certified in writing by a department of the State administration.

4. It follows that no offence against Proc. No 1, Art 41, Sec 41, is committed provided that the person concerned can produce some such means of identification' as is indicated in the preceding paragraph. If it were desired to require all civilians to be in possession of a 'carta di identità' as distinct from other documents of identity, a specific order to this effect would have to be issued either in respect of a whole area or of particular Communes, breach of which order would then constitute an offence under Proc. No 1, Art V, Sec 41 or 42. In this connection, however, the administrative difficulties involved in providing and issuing individual identity cards with or without photographs to large numbers of people should not be overlooked, especially in the army area where the population is widely scattered and communal organisation has temporarily broken down.

5. Legal officers will be guided by the foregoing considerations in dealing with any charge preferred in the army area under Sec. 41.

Copy to C.L.U. HQ. AGO.
and Region 4
Public Safety Div.

U.S. Liaison, W/Cor., R.O.S.,
S.L.U. and Army.

✓ 11021/4
 HEADQUARTERS
 AMG FIFTH ARMY (FIELD)
 LEGAL DIVISION
 APO 404 U.S. ARMY.

7 June 1944.
 208/CA/7.

SUBJECT: Means of identification.

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

herewith, as requested, four extra copies of our
 letter 208/CA/7 dated 1st June on the above subject.

See 46A

Wm. Dickie W/Gen
 H.M. DICKIE., W/CAF., A.A.F.,
 S.D.O. AMG 5 ARMY.

21

4027

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(8A)

14 May 1944

SUBJECT: Corrected Proclamations.

TO : CLO Legal Subcommittee.

1. On arriving at Naples on 11/5/44 I was told by the printer that only one thousand corrected copies of proclamation No. 1 could be ready by that evening. The work was necessarily very slow as all had to be done by hand and great care exercised, especially with regard to the insertion of the extra "o" in Art. IX. From copies that I saw it appeared that the work was being done very neatly.

2. I delivered these one thousand copies to Lt. Col. Willis, Office of Special Prosecutions, 5th Army at 2100 hours 11/5/44.

A driver from 8th Army was waiting to collect the proclamations for Major Mercer (3,000). Col. Willis gave him four hundred and kept six hundred for himself.

3. On 12/5/44 I spoke to Major Mercer by telephone. He told me that he did not want any more corrected copies of the proclamations until two points raised by the wording of the correcting slip had been adjusted viz:-

- (a) The authority for issuing permits to travel.
- (b) Changing the words "ten kilometers from his own home" to "ten kilometers from his usual place of residence".

He also informed me that in the Army area there was already in existence an order forbidding any travel whatsoever without a permit issued by a CAO.

Major Mercer said that he had written to the Legal Subcommittee on these questions.

4. I communicated the above information to Major Campbell who told me not to deliver any more proclamations to 8th Army.

5. At 1100 hours 13/5/44 I delivered two thousand four hundred corrected copies to 5th Army being the balance of their original 3,000.

6. I arranged with 5th Army and with RC AMB to recall all proclamations issued without correction and send them to the printing section at Province, Naples. I arranged with Lt. Panielli, officer in charge of the printing section, to have these proclamations taken to the printer for correction when they arrived.

7. As regards the two thousand copies for CAS I have arranged with Lt. Panielli to collect these at mid-day 14/5/44 and keep them for Major Campbell to collect at 1700 hours for delivery to Caserta.

8. The printer has been instructed to continue correcting the proclamation.

W. G. Bryce
W. G. BRYCE, Lt. RA

2211

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rlp.

3 June 1944.

ACC/4027/2/L.

SUBJECT : Proclamation No. 1, Art II, Sec. 41 - Means of Identification.

TO : Senior Legal Officer, AMB, 5th Army.

May this sub-commission please be furnished four additional copies of your mimeographed letter, subject as above dated 1 June 44, 208/CA/7.

I. G. H. CAMPBELL,
Lt. Colonel,
For Chief Legal Officer.

RECEIVED

AMC

RECEIVED

RECEIVED

I

SUBJECT: Proclamation No. 1 Art 41. Sec. 41. Means of Identification

TO : All SCORs and PEs in the Province, Santa Province, Victoria
(for Legal Officers).

1. Advice has been requested as to the effect of the above Section of new Proclamation No. 1 Art 41. Sec. 41. Means of Identification, that any person commits an offence who fails to have in his possession at all times a proper means of identification as required by existing law. It will be observed that the express reference to an identity card which appeared in old Proclamation No. 2, Art 11, Sec 41, and old Proclamation No 11, Art 11 is now omitted and is replaced by the wider term "means of identification".

2. Existing Italian law does not require possession of a "Carta di Identita", except in the case of dangerous or suspicious persons, who may be compelled by the police to hold such means of identification, and of persons employed in a "specific" trades. Other citizens over the age of 15 can obtain a "Carta di Identita" from the Podesta of their comune on request but are under no legal obligation to do so.

3. Regolamento di Sicurezza, Publication No. 310 provides that a "Carta di Identita" or equivalent documents of identification must be produced to the police on demand. "Equivalent documents" are defined as including any document carrying a photograph of the holder and issued by a State Administration, "Licenza Permessario" which is furnished to all civil and military state employees, "tesserà di riconoscimento", "tesserà della S.V.I.R.", driving licence, arms licence, passport or any other document in which the holder's identity is certified in the by a department of the State Administration.

4. It follows that no offence arises from Art 41, Sec 41, if a person is committed provided that the person concerned can produce some such means of identification as is indicated in the preceding paragraph. If it were desired to require all civilians to obtain

1 June 1944.
208/C/17

7A

di identità, except in the case of transients or persons who may be compelled by the police to hold such means of identification, and of persons employed in a few specific trades. Other citizens over the age of 15 can obtain a 'carta di identità' from the Podesta of their comune on request and are under no legal obligation to do so.

3. Regolamento di sicurezza pubblica No. 310 provides that a "Carta di identità" or equivalent documents of identification must be produced to the police on demand. "Equivalent documents" are defined as including any document carrying a photograph of the holder and issued by a state administration etc. "Licenze per lavoro" which is furnished to all civil and military state employees, "tessera di riconoscimento", "tessera della P.S.M.", driving licence, arms licence, passport or any other document in which the holder's identity is certified in writing by a department of the state administration.

4. It follows that no offence against art. 10 L. art II, Sec 41, is committed provided that the person concerned can produce some such means of identification as is indicated in the preceding paragraph. If it were desired to require all civilians to possess a 'carta di identità' as distinct from other documents of identity, a specific order to that effect would have to be issued either in respect of a whole area or of particular Communes, breach of which order would then constitute an offence under Proc. No 1, art II, Sec 41 or 42 in this connection, however, the administrative difficulties involved in providing and issuing individual identity cards with or without photographs to large numbers of people should not be overlooked, especially in the area where the population is widely scattered and communal organization has temporarily broken down.

5. Local Officers will be guided by the foregoing considerations in dealing with any charge preferred in the army area under Sec 41.

Copy to C.L. No. 100.

PIO Division 4
Provisional Security Dept.

L.M. Dickson, 1000, P.M.
L.M. 1000, P.M.

177th B.C. K.I. 1000

2000 copy held. This is excellent. 1500 held & sent
a copy to Regt 5
4000

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

IGHC/pa

22 May 1944

ACG/4027/2/L.

SUBJECT : Proclamation No.1 (new series) .

TO : H.C. & L.G. Section .

1. Ref. today's telephone conversation (Major Reeves-Major Campbell) .

2. After Proclamation No.1 (new series) ~~was~~ printed certain amendments (the inclusion of Art.V (46) and correction of Art.IX (3) in Italian) became necessary.

3. These amendments were put in hand as a matter of urgency through Lt.Panelli (printing Section).

4. Proclamation I as amended has been supplied to H.C. 5th Army and L.G. and amended copies withdrawn.

5. Lt.Panelli states that there is now a large number of amended copies in your H.C. but there may well be many others not yet amended. The importance of having all copies amended does not need to be stressed.

6. Will you please take up the question with a view to ensuring :

(1) That available amended copies are distributed, especially to AG 5th Army .

(2) That unamended copies (where issued) are withdrawn and then amended.

(3) That no copies remain unamended .

10 20
GERALD R. URJOHN,
Colonel,
Chief Legal Officer .

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

18 May, 1944.

REFERENCE : ACC/4027/L.

SUBJECT : Construction of Proclamations.

TO : Regional Legal Officers (thru Regional Commissioners), Regions 3, 4 and 5.
Senior Legal Officers (thru S.C.A.Os), A.M.G.
5th and 8th Armies.

1. The point has been raised as to the proper construction of the words "or similar war supplies" in Section (5) of Article I of Proclamation 2 (old series) and Section (5) of Article IV of Proclamation I (new series). Therefore, the following ruling is given on the point and copies hereof are being supplied according to the figures given by addressees for technical directives.

2. The words "similar war supplies" in the above context will be construed as follows :-

- (a) To include war supplies of an explosive nature (e.g. grenades)
- (b) To include war supplies which, though not of an explosive nature, are designed or intended as weapons (e.g. a bayonet or dagger issued to any troops)
- (c) To exclude all other war supplies and all knives daggers and similar weapons which are not "war supplies" i.e. which were not an issue to troops.

3. For this purpose, it is immaterial by what country the weapon was issued e.g. it is an offence to have in possession a grenade or bayonet, be it Allied, Italian or German.

L. Campbell
+ GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

GRU/wcw.

Copy to Regional Legal Officers (thru Regional Commissioners)
Regions, 1, 2, 6 and 7.

407
TO CLW REAR HQ ACC
RC HQ REGION V AMG
SUBJECT Construction of Proclamations
REF R5/511/2

LEGAL SUBCOMMISSION

407
CLO
PCLO
Chief Counsel
CJO
Italian Section
CL RKS

13 May 1944

1. Cases have occurred recently in this Region where persons have been convicted by AMG courts on a charge under Proc.2, Art.1, Para.5, for the possession of a knife or dagger.
2. May this HQ be informed please whether the possession of any such "weapons" constitutes an infringement of that portion of the para. which refers to "similar war supplies" or whether those words should not be read as referring to articles such as hand-grenades which are at least capable of being discharged or exploded?

For the Regional Commissioner.

W. E. Dehrens

W. E. DEHRENS 18

1st COL

R. C. O.

4437

SUBJECT: Proclamation No I.

Copy (Rear)

HQ AMG,
Rear EIGHTH ARMY.

OA/73

II May 44.

3A

TO: HQ Allied Control Commission (Rear). ✓
(attn C.L.O).

1. Subject was revised by addition of Amendment to Article V by sticker (Section 46) restricting movement.

2. Such amendment is not suitable for Eighth Army Area for the principal reason that same simply states "without permit". For our purposes the order must state "without a permit issued by an Officer of the Allied Military Government".

3. It is also considered better to state "normal place of residence" rather than "his own home".

4. Inclosed ^{is} "Travel Prohibited" Notice which is now being posted with Proclamation No I as originally received. Such procedure will be followed by this HQ so long as we have sufficient quantity of such Proclamations.

5. The wording of Notice above referred to by agreement corresponds exactly with a like paragraph in Notice which 5th Army prepared to publish in its Area.

6. Unless future printing of Proclamation No I includes Section 44 substantially as in the English version of inclosed "Travel Prohibited" Notice, may we in the future be furnished with the Proclamation as originally printed and we will post our own "Travel Prohibited" Notice.

Not inclosed

Edwin Mercer

Edwin J. Mercer, Maj.Ord.,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG EIGHTH ARMY.

17

Copy to: S.C.A.O., 5th Army (attn S.L.O).
PC CAMPOBASSO Province (attn P.L.O).
PC CHIETI Province (attn P.L.O).

CLO	
PCO	
Section	
CL-RKS	

DECLARATION OF OCCUPIED TERRITORY

PROCLAMATION NO. 1

2A

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 mission entrusted 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 towns and of persons, it is necessary to establish a 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, WILSON MARKHAM HARRISON, M.C., D.S.O., M.C., Lieutenant General, Chief Commissioner Allied Control Commission, by virtue of the authority vested in me by H.M. GOVERNMENT, G.O.C., D.S.O., M.C., General, Commander in Chief Allied Armies in Italy and Military Government of occupied territory, hereby proclaim as follows:

PART I: ESTABLISHMENT OF MILITARY GOVERNMENT

ARTICLE 1

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 Government 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 states, municipal or other public services, except such officials and political leaders as are required 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 powers in the occupied territory will now proceed to all orders given by him

to establish courts for the trial of
 HON. THOMAS, I. WOLF, MAJOR GENERAL, F.C.D., M.C., M.A., Lieutenant
 General, Chief Commissioner Allied Control Commission, by virtue of the authority
 vested in me by HONORABLE I.L.L. ALLEN, C.C., C.D., M.C., M.A., General
 Commander in Chief Allied Forces in Italy and Military Government 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 are over-
 its inhabitants and civil administrative responsibility are vested in the said
 Commander in Chief Allied Forces in Italy and Military Government 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 judicial leaders as are
 retained by him, are required to continue in the performance of their duties,
 subject to his direction or the direction of such of his officers as the Allied
 Government may be directed for that purpose.

ARTICLE II

All persons in the occupied territory will obey exactly all orders given by him
 or under his authority and must remain 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 peace-
 able and comply with his orders, you will be subjected to no further interference
 than may be inevitable in times of military exigencies and may go about your
 normal vocations without fear.

ARTICLE III

Your existing personnel 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
 Forces in Italy and as Military Government, to change or supersede them by
 proclamation or order by him or under his direction.

PART II - CRIMES

ARTICLE IV

CRIMES AGAINST THE ALLIED PEOPLE WITHIN THE TERRITORY OF THE ENEMY

Any person who:

- (1) Serves the enemy as a spy or harbors or aids an enemy agent;
- (2) Communicates with the enemy or with any person within territory under their control in any manner or on any subject whatever in connection with territory under enemy control;
- (5) 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 other 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 authorizing 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 destroys or damages any telegraph, telephone or electric power wire;

- (5) has an intent to supply enemy in accordance with a permit or the Government;
- (6) has in his possession any wireless or other apparatus for transmitting signals or other messages;
- (7) intends 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 authorizing him to be there;
- (11) communicates, conveys, conveys, 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 rail, wireless, telegraph, telephone, cable, radio, or otherwise, or receives or divulges 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) kills the dead or wounded;
- (19) robs any nurse or other woman serving with the Allied Forces or as a like 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) Invites any individual of the occupied territory to intervention against military authority, or assistance or lend 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 possession 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

OFFENSES AGAINST THE ALLIED FORCES PERTAINING TO THE USE OF THE SHORE BY ANY PERSON WHO:

- (24) Is out of shore without a permit after sunset;
- (25) Leaves the shore in any vessel or in any other manner except as authorized;
- (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.

- (24) Is out of doors without a permit after curfew;
- (25) Leaves the shore in any vessel or in any other manner except as authorized;
- (26) Gives false evidence before a Military Tribunal;
- (27) Designs, designs, endangers, interferes with, steals or wrongfully obtains, 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 ten days 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) Makes 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 authorized 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) Constructs 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) Misconducts any rumor calculated to excite or alarm the people;

- (39) Makes any false statement in connection with an official matter;
- (40) Approves or disapproves 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 military law;
- (42) Disobeys any order given under the authority of the Allied Forces or the Allied Military Government when no specific punishment is provided;
- (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 article of the Fascist party; takes or receives any subscription to 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;
- (44) Induces 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;

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 OFFENSES

Section 1. Complicity, advising or assisting violation.

Any person who conspires to do any act constituting an offense, or who advises, assists in, or procures the commission of any such act shall be punishable as a principal.

Section 2. Attempts.

An attempt to do any act which constitutes an offense shall likewise constitute an offense which shall be punishable to the same extent as though the

- (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; 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

CRIME OFFENSES

Section 1. Conspiracy, advising or assisting violation.

Any person who conspires to do any act constituting an offense, or who advises, assists in, or procures the commission of any such act shall be punishable as a principal.

Section 2. Attempts.

An attempt to do any act which constitutes an offense shall likewise constitute an offense 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

AGENTS AND DISGUISE

Section 1. Agent and disguise.

Any authorized member of the Allied Forces may

- (a) Arrest or search of any person suspected of having committed or being about to commit offenses;
- (b) Enter and search any place and seize and take away any property for the purpose of investigating or preventing any offense or arresting a suspected offender.

Section 2. 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 VI

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 liras 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

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 Lira 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 I

JURISDICTION

12

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 offenses
 - (a) against the laws and usages of war;
 - (b) under any proclamation, order or regulation issued under the authority of the Allied Military Governments;
 - (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 and execution 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 compensation 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 CANCELLATION OF DEATH SENTENCES

Section 1. 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 2. 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

PUBLICATION DATE

11

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

ARTICLE XII

REVIEW AND CONFIRMATION OF DEATH SENTENCES

Section 1. 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, setting forth reasons why the conviction should be set aside or the sentence should be modified.

Section 2. Stay 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

EXECUTIVE DUTY

11

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

FOR THE COMMANDER IN CHIEF ALLIED ARMS IN ITALY
AND MILITARY GOVERNOR.

NOEL MASON MAC FARLANE

INTERIM GENERAL,
CHIEF OF POLICE,
ALLIED MILITARY GOVERNMENT.

DATED: 25 April 1944.

GOVERNO MILITARE ALLEATO DEL TERRITORIO OCCUPATO

PROCLAMIA NO. 1

AL POPOLO D'ITALIA.

(1A)

Visto che, nel proseguimento della loro guerra contro le potenze dell'Asse, è stato necessario che le Forze Alleate dipendenti dal Comandante in Capo delle Forze Armate Alleate in Italia occupassero alcuni territori dell'Italia e

Visto che secondo l'armistizio accordato al Governo Italiano dalle Nazioni Unite, allo scopo di assicurare il rispetto della legge e dell'ordine e provvedere alla sicurezza ed al benessere sia di tali truppe che vostro, è necessario stabilire un Governo Militare nel territorio occupato, per deferire determinati reati ed istituire dei tribunali per il giudizio delle persone che commettono tali reati,

Io, Noel Mason Mac Farlane, K.C.B., D.S.O., M.C. Luogotenente Generale, Capo Commissario della Commissione Alleata di Controllo, in virtù dei poteri conferitimi da Harold R.L.G., Alexander, G.C.B., C. S.I., D.S.O., M.C., Generale Comandante in Capo delle Forze Armate Alleate in Italia, e Governatore Militare del territorio occupato,

P. R. O. C. L. A. M. O.

Parte I: Istituzione del Governo Militare

Art. I

Di tutti i poteri governativi e giurisdizionali nel territorio occupato e nei confronti dei suoi abitanti nonché della supremazia e responsabilità amministrativa è investito il detto Comandante in Capo delle Forze Armate Alleate in Italia e Governatore Militare, sotto la

Io, Noel Mason Mac Farlane, K.C.B., D.S.O., M.C. Luogotenente Generale, Capo Commissario della Commissione Alleata di Controllo, in virtù dei poteri conferitimi da Harold R.L.G., Alexander, G.C.B., C. S.I., D.S.O., M.C., Generale Comandante in Capo delle Forze Armate Alleate in Italia, e Governatore Militare del territorio occupato,

P R O C L A M O

Parte I: Istituzione del Governo Militare

Art. I

Di tutti i poteri governativi e giurisdizionali nel territorio occupato e nei confronti dei suoi abitanti nonchè della supremazia e responsabilità amministrativa è investito il detto Comandante in Capo delle Forze Armate Alleate in Italia e Governatore Militare, sotto la cui direzione viene istituito per esercitare tali poteri un Governo Militare Alleato.

Tutti i funzionari amministrativi e giudiziari ed ogni altro funzionario ed impiegato Governativo municipale, ed ogni altro ufficiale od impiegato statale, municipale o di altro pubblico servizio, ad eccezione dei funzionari e dei capi politici che fossero da lui dimessi, devono continuare nell'adempimento dei loro doveri sotto la sua direzione o sotto la direzione di questi Ufficiali delle Forze Alleate che fossero delegati a tale scopo.

Art. II

Tutti gli abitanti nel territorio occupato dovranno prontamente

- 2 -

obbedire a tutti gli ordini impartiti da lui o sotto la sua autorità e dovranno astenersi dal compiere ogni atto ostile nei confronti delle truppe ai suoi ordini o giovevole ai nostri nemici, ogni atto di violenza ed ogni atto inteso a disturbare comunque l'ordine pubblico. Fintanto che rimarrete pacifici e rispetterete i suoi ordini, non subirete noie in misura maggiore di quelle inevitabili per le esigenze militari e potrete continuare senza timore nelle vostre attuali occupazioni.

Art. III

I vostri diritti personali e patrimoniali in vigore saranno pienamente rispettati e le vostre leggi vigenti rimarranno in vigore ed avranno effetto fintanto che i suoi doveri di Comandante in Capo delle F.A. Alleate in Italia e di Governatore Militare non lo costringono a modificarli con proclami ed ordini suoi o sotto la sua direzione.

Parte II - Reati

Art. IV

Reati in danno delle Forze Armate Alleate punibili con la morte

Chiunque:

- 1) Serva il nemico come spia o dia rifugio ed aiuti una spia nemica.
- 2) Comunicchi, in qualsiasi modo ed in merito a qualsiasi argomento, col nemico o con una persona qualsiasi in territorio da esso occupato ed acceda in territorio sotto il suo controllo.

pienamente rispettati e le vostre leggi vigenti re ed avranno effetto fintanto che i suoi doveri di Comandante in Capo delle F.A. Alleate in Italia e di Governatore Militare non lo costringono a modificarli con proclami ed ordini suoi o sotto la sua direzione.

Parte II - Reati

Art. IV

Reati in danno delle Forze Armate Alleate punibili con la morte

Chiunque:

- 1) Serva il nemico come spia o dia rifugio od aiuti una spia nemica.
- 2) Comunichi, in qualsiasi modo ed in merito a qualsiasi argomento, col nemico o con una persona qualsiasi in territorio da esso occupato od ecceda in territorio sotto il suo controllo.
- 3) Invi o qualsiasi persona, dovunque, una qualsiasi comunicazione che contenga informazioni di qualsiasi natura sulle Forze Armate Alleate; o, avendo ricevuto una qualsiasi comunicazione del genere, ometta di avvisarne prontamente il G.M.A.-
- 4) Porti le armi contro le Forze Alleate.
- 5) Abbia in suo possesso armi da fuoco, munizioni, esplosivi, o simili oggetti bellici, a meno che non abbia un permesso dal G.M.A.-
- 6) Abbia in suo possesso un apparecchio radio o altro qualsiasi apparato per trasmettere segnali od altri messaggi.

- 3 -

- 7) Trasse in fanno qualsiasi membro del Forze Armate Alleste nell'adempimento dei suoi doveri.
- 8) Assista un prigioniero di guerra nella fuga o assista o nasconde da qualsiasi prigioniero di guerra fuggito.
- 9) Assista una qualsiasi forza armata nemica a sfuggire alla cattura.
- 10) Penetri o sia trovato nell'interno di una qualsiasi zona dichiarata zona vietata sia da un cartello che dalla presenza di sentinelle, senza un permesso che espressamente lo autorizzi.
- 11) Distrugga, danneggi, ponga in pericolo, ostacoli, rubi o irregolarmente riceve o detenga qualsiasi proprietà delle F.A. Alleste o dei membri di esse di valore complessivo superiore a lire 10.000.
- 12) Ostacoli comunicazioni per posta, corriere, telegrafo, telefono, cavo, radio, o altrimenti, o asporti... o danneggi linee telefoniche, telefoniche o di energia elettrica.
- 13) Ostacoli trasporti per terra, per acqua o per aria.
- 14) Ostacoli il funzionamento di qualsiasi servizio pubblico o di pubblica utilità, comprese la fornitura di acqua, energia elettrica.

- 11) Distrugga, danneggi, ponga in pericolo, ostacoli, rubi o irrobustisce qualsiasi proprietà delle F.A. Alleate riceva o detenga qualsiasi proprietà delle F.A. Alleate o dei membri di esse di valore complessivo superiore a lire 10.000.
- 12) Ostacoli comunicazioni per posta, corriere, telegrafo, telefono, cavo, radio, o altrimenti, o asporti... o danneggi linee telefoniche, telefoniche o di energia elettrica.
- 13) Ostacoli trasporti per terra, per acqua o per aria.
- 14) Ostacoli il funzionamento di qualsiasi servizio pubblico o di pubblica utilità, comprese la fornitura di acqua, energia elettrica, gas, servizi sanitari o simili.
- 15) Uccida qualsiasi membro delle F.A. Alleate.
- 16) Assalga qualsiasi membro delle F.A. Alleate con l'intento di ucciderlo o di provocare grave lesione.
- 17) Commetta qualsiasi atto di saccheggio.

- 4 -

18) Derubî morti o feriti.

19) Stupri qualsiasi infermiere o donna in servizio presso le F.A.
Alleate od assalga una qualsiasi di tali infermiere o donna.

20) Falsifichi od alteri qualsiasi permesso, lasciapassare, carta
d'identità o documento analogo od emetta o sia in possesso di un
tale documento falsificato od alterato.

21) Inciti all'insurrezione contro l'autorità militare qualsiasi abbi-
tente del territorio occupato, od organizzî o capeggi qualsiasi
dimostrazione pubblica od assemblea a tale scopo.

22) Falsifichi moneta o carta moneta cui il G.M.A. ha attribuito cor-
so legale o sia in possesso di tali monete o carta moneta appen-
dole false, o

23) In qualsiasi modo violi una qualunque delle leggi di guerra, o
compia qualsiasi atto in aiuto del nemico od ostile alle F.A.Al-
leate o che ponga in pericolo la salvezza o la sicurezza di es-
se, sarà, se riconosciuto colpevole da un Tribunale Militare Al-
leato, passibile della pena di morte o di reclusione o multa o
di entrambe, a seconda delle decisioni del Tribunale.

Art.V

Reati in danno delle F.A.Alleate punibili con la multa o la reclusione

- 4 -

18) Derubbi morti o feriti.

19) Stupri qualsiasi infermiere o donna in servizio presso le F.A.
Alleeate od assalge una qualsiasi di tali infermiere o donna.

20) Falsificchi od alteri qualsiasi permesso, lasciapassare, carta d'identità o documento analogo od emetta o sia in possesso di un tale documento falsificato od alterato.

21) Inciti ell'insurrezione contro l'autorità militare qualsiasi abitante del territorio occupato, od organizzzi o capeggi qualsiasi dimostrazione pubblica od assemblea a tale scopo.

22) Falsificchi moneta o carta moneta cui il G.M.A. ha attribuito corso legale o sia in possesso di tali monete o carta moneta sapendole false, o

23) In qualsiasi modo violi una qualunque delle leggi di guerra, o compia qualsiasi atto in aiuto del nemico od ostile alle F.A. Alleate o che ponga in pericolo la salvezza o la sicurezza di esse, sarà, se riconosciuto colpevole da un Tribunale Militare Alleato, passibile della pena di morte o di reclusione o multa o di entrambe, a seconda delle decisioni del Tribunale.

Art.V

Reati in danno delle F.A. Alleate punibili con la multa o la reclusione

22) Falsifichi moneta o carta moneta cui il G.M.A. ha attribuito corso legale o sia in possesso di tali monete o carta moneta sapendole false, o

23) In qualsiasi modo violi una qualunque delle leggi di guerra, o compia qualsiasi atto in aiuto del nemico od ostile alle F.A. Alleate o che ponga in pericolo la salvezza o la sicurezza di esse, sarà, se riconosciuto colpevole da un Tribunale Militare Alleato, passibile della pena di morte o di reclusione o multa o di entrambe, a seconda delle decisioni del Tribunale.

Art.V

Reati in danno delle F.A. Alleate punibili con la multa o la reclusione
Chiunque:

24) si trovi all'aperto senza permesso nelle ore di coprifuoco.

25) Prenda il largo della riva e bordo di qualsiasi imbarcazione o in qualsiasi altro modo a meno che non sia autorizzato.

26) Dia falsa testimonianza davanti un Tribunale Militare Alleato.

27) Distrugga, danneggi, ponga in pericolo, ostacoli, rubi o irregolarmente riceva o detenga qualsiasi proprietà delle F.A. Alleate

- 5 -

e o dei membri di essa di valore complessivo inferiore a 10.000 lire.

28) Quetta di dichiarare entro un mese dalla data di emissione di questo proclama il possesso di materiali, equipaggiamento o proprietà militare abbandonata dal nemico o di origine nemica.

29) Avanzi reclami falsi, fraudolenti od esagerati nei confronti delle F.A. Alleate o dei suoi membri.

30) Pubblici o abbia in suo possesso qualsiasi materiale stampato o scritto nocivo od irriparabile verso le F.A. Alleate od i suoi membri, verso il Governo di una qualsiasi delle Nazioni Unite o verso il Governo Militare Alleato.

31) Pronunci qualsiasi discorso o parole ostili od irriparabili nei confronti delle F.A. Alleate o dei suoi membri, dei Governi di una qualsiasi delle Nazioni Unite, o del G.M. Alleato.

32) Assalga qualsiasi membro delle F. Armate Alleate.

33) Prenda parte a qualsiasi pubblica dimostrazione od assemblea non autorizzata dal G.M.A.-

34) Pretenda falsamente di agire in nome e per conto delle F.A. Alleate o del Governo Militare Alleato.

o scritto nocivo od irriparabile verso le F.A. Alleate od i suoi membri, verso il Governo di una qualsiasi delle Nazioni Unite o verso il Governo Militare Alleato.

31) Pronunci qualsiasi discorso o parole ostili od irriparabili nei confronti delle F.A. Alleate o dei suoi membri, dei Governi di una qualsiasi delle Nazioni Unite, o del G.M. Alleato.

32) Assalga qualsiasi membro delle F. Armate Alleate.

33) Prenda parte a qualsiasi pubblica dimostrazione od assemblea non autorizzata dal G.M.A.-

34) Pretenda falsamente di agire in nome e per conto delle F.A. Alleate o del Governo Militare Alleato.

35) Dia luogo o sia oggetto di subornazione in connessione con affari di ufficio.

36) Ostacoli qualsiasi membro delle F.A. Alleate nell'adempimento del suo dovere.

37) Venga in possesso per dono o per acquisto di qualsiasi equipaggiamento militare o materiale di guerra appartenente alle F.A. Alleate.

- 6 -

- 38) Sparga false voci allo scopo di eccitare od allarmare la popolazione.
- 39) Faccia una qualsiasi falsa dichiarazione in relazione a qualsiasi materia ufficiale.
- 40) Rimuova o danneggi qualsiasi notizia, proclama od ordine affisso d'ordine del G.M.A.-
- 41) Non abbia in suo possesso in ogni momento un idoneo mezzo di identificazione secondo quanto richiesto dalla legge in vigore.
- 42) Disobbedisca qualsiasi ordine impartito dalle F.A. Alleste o del G.M.A. quando una specifica pena non è al riguardo contemplata.
- 43) Promuova o partecipi a qualsiasi riunione del partito fascista; usi o permetta l'uso di locali da adibirsi a tale scopo; stampi o pubblichi o sia in possesso di qualsiasi materiale stampato o scritto edito da e per conto del partito fascista; divulghi o patrocini qualsiasi dottrina del fascismo; indossi od abbia in suo possesso qualsiasi distintivo, insegna od ornamento del partito fascista; sottoscriva o raccolga fondi per il partito fascista; ⁵ compia qualsiasi atto tendente o tale da promuovere o sostenere il partito fascista, comprendendo nel termine di partito fascista qualsiasi organizzazione

presti o riceva qualsiasi giuramento od impegno nei confronti del

dal C.M.A. quando una specifica pena non è al riguardo contemplata.

- 43) Promuova o partecipi a qualsiasi riunione del partito fascista; usi o permetta l'uso di locali da adibirsi a tale scopo; stampi o pubblichi o sia in possesso di qualsiasi materiale stampato o scritto edito da e per conto del partito fascista; divulghi o patrocini qualsiasi dottrina del fascismo; indosi⁵ si od abbia in suo possesso qualsiasi distintivo, insegna od ornamento del partito fascista; sottoscriva o raccolga fondi per il partito fascista; ^Λ compia qualsiasi atto tendente o tale da promuovere o sostenere il partito fascista, comprendendo nel termine di partito fascista qualsiasi organizzazione designata a sostituirlo.
- ^Λ
presti o riceva qualsiasi giuramento od impegno nei confronti del partito fascista,

- 44) Trasgredisca a qualsiasi proclama od ordine od a qualsiasi legge italiana che regoli o controlli la vendita, l'acquisto, la distribuzione, l'assegnazione, il razionamento od il trasporto di qualsiasi merce od articolo.

- 45) Compia qualsiasi atto in pregiudizio del buon ordine nel territorio occupato o della salvezza e sicurezza delle F.A. Alleate o dei suoi membri.

- 7 -

sarà, se riconosciuto colpevole da un Tribunale Militare Alleato, passibile di multa o di reclusione o di entrambe, a seconda delle decisioni del Tribunale.

Art. VI

Altri Reati

Sezione I: Cospirazione, Consiglio o assistenza nella ^{violazione} ~~diffusione~~.

Chiunque cospiri per fare qualsiasi atto costituente reato, o consigli, assista, o provochi la consumazione di tali atti sarà passibile di pena come se ne fosse l'autore.

Sezione II: Tentativi.

Qualsiasi tentativo di compiere un atto costituente reato sarà considerato pari a un reato che sarà punito nell'istessa misura che se l'atto fosse stato compiuto.

Art. VII

Violazione della legge italiana

Chiunque violi od abbia violato qualsiasi disposizione della legge italiana può essere tradotto in giudizio davanti un Tribunale Militare Alleato, e, se riconosciuto colpevole, può essere punito secondo quanto previsto da tale legge.

Art. VIII

Arresto e detenzione

Sezione I: Arresto e perquisizione.

Ogni membro autorizzato delle F.A. Alleate può:

a) arrestare e perquisire qualsiasi persona sospetta di aver commesso

2 2 4 4

rà considerato perimenti un reato che sarà punito nell'istessa misura che se l'atto fosse stato compiuto.

Art. VII

4

Violazione della legge italiana

Chiunque violi od abbia violato qualsiasi disposizione della legge italiana può essere tradotto in giudizio davanti un Tribunale Militare Alleato, e, se riconosciuto colpevole, può essere punito secondo quanto previsto da tale legge.

Art. VIII

Arresto e detenzione

Sezione I: Arresto e perquisizione.

Ogni membro autorizzato delle F.A. Alleate può:

- a) arrestare e perquisire qualsiasi persona sospetta di aver commesso o di essere in procinto di commettere dei reati.
- b) Entrare e perquisire ogni luogo e sequestrare ed esportare ogni oggetto allo scopo di investigare o prevenire un qualsiasi reato od arrestare il sospetto autore del reato.

Sezione 2: Detenzione.

Qualunque persona sospettata di commettere o di aver intenzione di commettere qualsiasi atto ostile alle F.A. Alleate od al Governo

Militare Alleato o di partecipare a qualsiasi attività politica o di altro genere in favore del nemico o delle sue Forze Armate od ostile alle Forze Armate Alleate o al G.M.A., può essere detenuta in attesa di ulteriori indagini per un periodo non superiore a 3 mesi e meno che il Commissario Regionale o l'Ufficiale Capo degli Affari Civili ordini che la detenzione possa essere protratta per un periodo più lungo.

Parte III Tribunali

Art. IX

Istituzione dei Tribunali Militari Alleati

Sono istituiti i Tribunali Militari Alleati. Tali Tribunali consisteranno in:

1) Tribunali Militari Generali, che hanno potere di imporre qualsiasi pena legale compresa quella di morte.

3

2) Tribunali Militari Superiori, che hanno potere di imporre qualsiasi pena legale ad eccezione di quella di morte e della reclusione per più di 10 anni.

3) Tribunali Militari Sommersi che hanno potere di imporre qualsiasi pena legale eccetto che quella di morte o di reclusione per più di un anno o una multa superiore a 5000 lire od entrambi tali reclusione e multa.

Nel caso un Tribunale Militare Superiore o Sommerso imponga un termine di reclusione ed una multa con un ^{ulteriore} ~~termine~~ termine di

Sono istituiti i Tribunali Militari Alleati. I tribunali considereranno in:

- 1) Tribunali Militari Generali, che hanno potere di imporre qualsiasi pena legale compresa quella di morte.

3

- 2) Tribunali Militari Superiori, che hanno potere di imporre qualsiasi pena legale ad eccezione di quella di morte e della reclusione per più di 10 anni.

- 3) Tribunali Militari Sommersi che hanno potere di imporre qualsiasi pena legale eccetto che quella di morte o di reclusione per più di un anno o una multa superiore a 5000 lire od entrambi tali reclusione e multa.

Nel caso un Tribunale Militare Superiore o Sommerso imponga un termine di reclusione ad una multa con un ^{ulteriore} ~~ulteriore~~ termine di reclusione se la multa non è soddisfatta, l'insieme di tali termini non dovrà superare rispettivamente 10 anni ed 1 anno.

Art. X

Giurisdizione

La giurisdizione dei Tribunali Militari Alleati si estende a

- 1) Tutte le persone, eccetto
 - a) i membri delle F.A. Alleate.
 - b) i prigionieri di guerra o le persone considerate tali.

- 9 -

2) Tutti i reati

- a) contro le leggi e gli usi di guerra.
- b) contemplati da qualsiasi proclama, ordine o regolamento emessi, *d'ordine del S.M.A.*
- c) contro la legge italiana.

Art. XI

Poteri generali dei Tribunali

1) Un Tribunale Militare Alleato può emettere quegli ordini e compiere tutti quegli atti e cose che possono essere richiesti dalla *debita* amministrazione della giustizia.

2) Un Tribunale Militare Alleato, in luogo od in aggiunta di una qualsiasi altra pena,

a) se una persona è riconosciuta colpevole di illegale uso, *vendita*, acquisizione o possesso di qualsiasi oggetto (compreso il denaro), può ordinare la restituzione o il compenso al proprietario, o la confisca o il trappasso di tale oggetto in proprietà del G.M.A. - 2

b) se una persona è riconosciuta colpevole di un reato che comporta l'uso indebito di locali sia d'abitazione che per uffici, può ordinare che tali locali siano sgomberati o chiusi per un periodo di tempo da tassarsi dal Tribunale.

c) può ordinare che una persona riconosciuta colpevole debba risiedere o si deve allontanare da una determinata zona.

qualsiasi altra pena,

- vendita*
- a) se una persona è riconosciuta colpevole di illegale uso, acquisto o possesso di qualsiasi oggetto (compreso il denaro), può ordinare la restituzione o il compenso al proprietario, o la confisca o il trapasso di tale oggetto in proprietà del G.M.A.- *2*
- b) se una persona è riconosciuta colpevole di un reato che comporta l'uso indebito di locali sia d'abitazione che per uffici, può ordinare che tali locali siano sgombrati o chiusi per un periodo di tempo da tassarsi dal Tribunale.
- c) può ordinare che una persona riconosciuta colpevole debba risiedere o si deve allontanare da una determinata zona.

Art. XII

Revisione e conferma di sentenze di morte

Sezione I - Diritto d'istanza.

Chiunque condannato da un Tribunale Militare Alleato può, entro 30 giorni dalla data della emanazione delle sentenze, presentare al Tribunale che ha emesso la sentenza o all'Ufficiale Provinciale Legale una richiesta di revisione, esponendo le ragioni per le quali la ~~condanna~~ *condanna* dovrebbe essere ~~annullata~~ *annullata* o la sentenza do-

- 10 -

vrebbe essere qualificata.

Sezione 2 - Sentenze di morte.

Nessuna sentenza di morte potrà essere eseguita se e fino a quando non sia stata confermata per iscritto da me o da un determinato ufficiale, di grado non inferiore a Generale Brigadiere e Brigadiere, al quale io possa aver delegato tali poteri per iscritto.

Art. XIII

Data di entrata in vigore

Questo proclama diverrà operativo in ciascuna provincia o sua parte del territorio occupato alla data della sua prima pubblicazione nella stessa.

PER IL COMANDANTE IN CAPO DELLE FORZE ARMATE ALLEATE IN ITALIA
E GOVERNATORE MILITARE.

ADDI' :

Aprile 1944.

TEINTE-GENERALE,
CAPO COMMISSARIO,
COMMISSIONE ALLEATE DI CONTROLLO

2250